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GENERAL AND LOCAL LAWS

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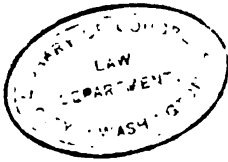
JOINT RESOLUTIONS,

PASSED BY THE

SIXTIETH GENERAL ASSEMBLY,

AT THE REGULAR SESSION,

BEGUN AND HELD AT THE CITY OF COLUMBUS, JANUARY 1, A.D. 1872, AND IN THE 70TH
YEAR OF SAID STATE.



VOLUME LXIX.

COLUMBUS:
NEVINS & MYERS, STATE PRINTERS.
1872.

L. C. copy 2

LAW

GENERAL LAWS.

AN ACT

To change the time fixed for holding the courts of common pleas for the year 1872, in the third sub-division of the third judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the time for holding the courts of common pleas in the third sub-division of the third judicial district for the year 1872, as fixed by a majority of the judges of said district, be and the same are hereby changed, and that said courts shall be held in said year in said counties, so as to commence as follows: In the county of Defiance, on the twenty-second day of January, the sixth day of May, and the thirtieth day of September; in the county of Paulding, on the thirtieth day of January, the eleventh day of June, and the twenty-fourth day of September; in the county of Henry, on the fifth day of February, the thirteenth day of May, and the sixteenth day of September; in the county of Fulton, on the thirteenth day of February, the twenty-first day of May, and fifteenth day of October; and in the county of Williams, on the twenty-seventh day of February, the twenty-eighth day of May, and twenty-ninth day of October: Provided, that nothing herein contained shall be construed to change or interfere with the times fixed by said judges for holding courts in the remaining counties of said district.

Defiance
county.

Paulding.

Henry.

Fulton.

Williams.

Proviso.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed January 5th, 1872.

AN ACT

To amend section seventy-three of an act entitled an act to establish a code of criminal procedure for the State of Ohio, passed May 6th, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section seventy-three of said act be so amended as to read as follows, to wit:

Section 73. The prosecuting attorney, or the assistant prosecuting attorney, shall be allowed at all times to appear before the grand jury, for the purpose of giving information relative to any matter cognizable by them, or giving them

Prosecuting
attorney may
have access
to grand
jury.

advice upon any legal matter they may require, and he may interrogate witnesses before them, when they, or he, shall deem it necessary; but no other person shall be permitted to remain in the room with said jury, while they are expressing their views, or giving their votes on any matter before them.

SEC. 2. That said section seventy-three of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 1, 1872.

AN ACT

Making partial appropriations for the year 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated out of any money in the treasury to the credit of the general revenue fund, and not otherwise appropriated, the following sums, to-wit:

ARSENAL.

Arsenal.

To pay for labor, tools, fuel and materials at the state arsenal, including the care and transportation of arms within the state, to be expended under direction of the adjutant general, or the person who by law has charge of the same, four hundred and forty-two dollars and sixty-two cents.

BENEVOLENT INSTITUTIONS.

CENTRAL OHIO LUNATIC ASYLUM.

Central lunatic Asylum.

To pay the salaries of the superintendent and matron for one year, ending February 15, 1872, sixteen hundred dollars; and on account of salaries for the same officers for the remainder of the fiscal year 1872, four hundred dollars.

For provisions and necessary current expenses for one year, ending February 15, 1872, fifteen hundred dollars; and on account of the remainder of the fiscal year 1872, five hundred dollars.

NORTHERN OHIO LUNATIC ASYLUM.

Northern lunatic asylum.

For provisions and necessary current expenses, twenty-five thousand dollars.

For salaries of officers authorized by law, nine hundred and fifty dollars.

For completing new additions, three thousand three hundred and twenty-five dollars.

For heating apparatus, in addition to former appropriations, seven thousand three hundred and ninety-seven dollars.

For furnishing new additions, in addition to former appropriations, two thousand six hundred and fifty-one dollars.

For building kitchen, laundry, engine and boiler-house, in addition to former appropriations, three thousand four hundred and forty-six dollars.

For furnishing kitchen and laundry, and plumbing and gas fitting for the same, four thousand five hundred dollars.

For necessary repair of five old wards, six thousand five hundred and fifty-two dollars.

SOUTHERN OHIO LUNATIC ASYLUM.

For provisions and necessary current expenses, twenty-five thousand dollars.

Southern
lunatic asy-
lum.

For salaries of officers authorized by law, nine hundred and fifty dollars.

ATHENS LUNATIC ASYLUM.

To continue the work on the lunatic asylum at Athens, to be expended in accordance with laws now in force on that subject, twenty-five thousand dollars; and to continue work on grading and for sewers, three thousand dollars.

Athens luna-
tic asylum.

LONGVIEW LUNATIC ASYLUM.

For deficiency on account of the care of the colored insane, two thousand dollars; and on account of the same for the year 1872, two thousand dollars.

Longview
asylum.

DEAF AND DUMB ASYLUM.

For provisions and necessary current expenses, fifteen thousand dollars.

Deaf and
dumb asy-
lum.

For salaries of officers and teachers authorized by law, four thousand four hundred dollars.

For the printing department of said asylum, six hundred and twenty-five dollars.

ASYLUM FOR THE BLIND.

For provisions and necessary current expenses, seven thousand five hundred dollars.

Blind asylum.

For salaries of officers and teachers authorized by law, two thousand two hundred and fifty-dollars.

ASYLUM FOR IMBECILE YOUTH.

For provisions and necessary current expenses, fourteen thousand five hundred dollars.

Idiotic asy-
lum.

For salaries of officers and teachers authorized by law, for deficiency to February 15, 1872, seven hundred and ninety-

one dollars and forty-seven cents; and on account of remainder of the fiscal year 1872, fourteen hundred and seventy-five dollars.

For finishing hospital, two thousand dollars.

For furnishing hospital, twenty-five hundred dollars.

For furnishing laundry six hundred dollars.

For washing-machine, wringing and drying apparatus, plumbing, steam and gas fitting, and gas fixtures for hospital and laundry, thirty-nine hundred dollars.

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

O. S. & S. O.
Home.

For salaries of officers and teachers authorized by law, three thousand dollars.

TRUSTEES OF BENEVOLENT INSTITUTIONS.

Trustees.

For expenses of the trustees of the various benevolent institutions, and of the board of state charities to the 15th day of February, 1872, five hundred dollars.

CLAIMS—MILITARY.

Military
claims.

For claims allowed, or which may be allowed, under the various acts to establish a board of military claims, and subject to all the provisions and requirements of said acts, or other acts that may be passed in relation to claims of a similar character, ten thousand dollars.

CONTINGENT EXPENSES OF GOVERNOR AND OTHER OFFICERS.

Governor's
contingent.

For contingent expenses of the governor, for deficiency to February 15, 1872, one thousand dollars; and on account of remainder of fiscal year 1872, eight hundred and seventy-five dollars.

Auditor's.

For contingent expenses of auditor of state, six hundred dollars.

Treasurer's.

For contingent expenses of treasurer of state, two hundred and fifty dollars.

Secretary's.

For contingent expenses of secretary of state, five hundred dollars.

Comptroller's

For contingent expenses of comptroller of the treasury, two hundred and fifty dollars.

School com-
missioner's.

For contingent expenses of commissioner of common schools, including traveling expenses of commissioner in the discharge of his official duties, five hundred dollars.

Attorney
general's.

For contingent expenses of attorney general, one hundred dollars.

Railroad
commis-
sioner's.

For contingent expenses of the commissioner of railroads and telegraphs, two hundred dollars.

Librarian's.

For contingent expenses of state librarian, two hundred dollars.

Supreme
court's.

For contingent expenses of the supreme court, including per diem of messengers for deficiency to February 15, 1872, five hundred dollars; and on account of remainder of fiscal year 1872, three hundred dollars.

For contingent expenses of the clerk of the supreme court for deficiency to February 15, 1872, sixty dollars; and on account of the remainder of the fiscal year 1872, one hundred and twenty-five dollars. **Clerk's.**

For distributing the laws, journals and public documents, five hundred dollars. **Distributing laws, &c.**

GEOLOGICAL SURVEY.

For salaries of chief geologist and three assistant geologists, to be paid in pursuance of the provisions of existing laws, upon this subject twenty-one hundred dollars. **Salaries.**

For contingent expenses of survey, including traveling expenses of the corps and hire of local assistants, for deficiency to February 15, 1872, twelve hundred dollars; and on account of remainder of fiscal year 1872, twelve hundred and fifty dollars. **Contingent expenses.**

INSURANCE DEPARTMENT.

For the necessary expenses of carrying out the provisions of the laws in force, relative to insurance companies, to the fifteenth of February, 1872, twenty-four hundred dollars, and on account of the remainder of the fiscal year 1872, fourteen hundred dollars. **Insurance department.**

LEGISLATURE.

For the per diem and mileage of the general assembly, their clerks, assistant clerks, sergeants-at-arms, assistant sergeants-at-arms, messengers, pages and other employes under the laws and the resolutions of the house and senate, forty-eight thousand dollars. **General Assembly per diem, &c.**

For the expenses of the standing and select committees of of both branches of the general assembly, one thousand dollars, to be paid on the order of the chairman of the respective committees, and endorsed by the chairman of the committees on claims of the respective houses. **Expenses of Committees.**

For the contingent expenses of the general assembly, upon vouchers certified by the chairman of the committee on claims and approved by the presiding officers of the respective houses, one thousand dollars. **Contingent Expenses.**

LIBRARIES.

For books, magazines and newspapers for the state library, six hundred and twenty-five dollars. **State library.**

For books for the law library of the supreme court, under the direction of the chief justice, two hundred and fifty dollars. **Law library.**

NIGHT WATCH.

For salary of night watch of state house, under authority of the treasurer of state, two hundred dollars. **Night watch.**

PENAL AND REFORMATORY.

OHIO PENITENTIARY.

For provisions and current expenses, including ordinary repairs, twenty thousand dollars. **Penitentiary.**

For salaries of the warden and other officers and guards, and the per diem and expenses of the directors, as provided by law, seventeen thousand five hundred dollars.

For rewards to convicts, three thousand two hundred and fifty dollars.

For introduction of Holly water works, three thousand three hundred and fifty-one dollars and thirty-two cents.

REFORM FARM SCHOOL FOR BOYS.

Reform
school for
boys.

For current expenses of sustaining and educating the youth committed to said school, seven thousand five hundred dollars.

For salaries of officers, teachers and other authorized employes, three thousand dollars.

For the building of a laundry, seventeen hundred and seventy-five dollars.

For washing machine, wringer and drying machines and other furniture for laundry, twelve hundred dollars.

REFORM AND INDUSTRIAL SCHOOL FOR GIRLS.

Reform
school for
girls.

For current expenses of maintaining and educating the youth committed and admitted to said school, four thousand dollars.

For the salaries of the officers and teachers authorized by law, one thousand dollars.

PUBLIC WORKS.

Public works.

For incidental expenses of the office and board of public works, four hundred and fifty dollars.

For salaries of members of the board of public works, six hundred dollars.

For salaries of the resident engineers, under the authority of the board of public works and the laws, nine hundred dollars.

And for per diem and expenses of commissioners to examine the public works of the state under joint resolution of the present general assembly, two thousand dollars; and for per diem and expenses of commissioners to examine mines under the joint resolution passed May 2, 1871, (68 O. L. 223,) two thousand five hundred dollars.

For salary of clerk of board, three hundred dollars.

SALARIES OF STATE OFFICERS AND CLERKS.

State officers.

For salaries of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, comptroller of the treasury, state commissioner of common schools, attorney general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, state librarian, law librarian, and supervisor of public printing and binding, seven thousand dollars.

Judges.

For the salaries of the judges of the supreme court, the court of common pleas and the superior courts, thirty-six thousand five hundred dollars.

Auditor's
clerks.

For the salaries of the clerks in the office of the auditor of state, three thousand dollars.

For salaries of the clerks in the office of the treasurer of state, thirteen hundred dollars.

Treasurer's clerks.

For salaries of the clerks in the office of the secretary of state, including the necessary services required in carrying out the provisions of the act in relation to a bureau of statistics, passed April 17, 1868, (65 O. L. page 92,) fifteen hundred and fifty dollars.

Secretary's clerks.

For salaries of clerks in office of the comptroller of the treasury, including clerical services for the board of military claims, nine hundred dollars.

Comptroller's clerks.

For salaries of clerks in the office of the state commissioner of common schools, nine hundred dollars.

School Commissioner's clerks.

For salary of executive clerk, three hundred and seventy-five dollars.

Governor's clerk.

For salary of clerk in office of commissioner of railroads and telegraphs, three hundred and seventy-five dollars.

Commissioner of railroad's clerk.

For salary of attorney general's clerk, one hundred and fifty dollars.

Attorney general's clerk.

For salary of state librarian's clerk, two hundred dollars.

Librarian's clerk.

For salary of adjutant general, five hundred dollars.

Adjutant general, and clerks.

For salaries of clerks in office of the adjutant general, seven hundred and fifty dollars; and the adjutant general is authorized to employ an additional clerk for the special purpose of perfecting and securing payment of the uncollected military claims against the general government.

STATE BINDING, PRINTING AND STATIONERY.

For binding for the state in accordance with existing laws, six thousand dollars.

State binding.

For stationery and blank books, including printing paper and articles necessary for the use of the general assembly and the public officers in the state house, twenty-six thousand two hundred and fifty dollars.

Stationery.

STATE HOUSE AND GROUNDS.

For the ordinary expenses of taking care of the state house and grounds, and preparing the halls of the general assembly, twenty-three hundred and fifty dollars.

Ordinary expenses.

For wages of employes under direction of the officer having charge of the state house and grounds, twenty-seven hundred dollars.

Wages of employes.

For the purchase of fuel for the state house, six hundred and twenty-five dollars.

Fuel.

For gas consumed in the state house, one thousand dollars.

Gas.

For necessary repairs of the heating apparatus of the state house, twelve hundred and fifty dollars.

Repairs.

For tuition of soldiers at the Ohio and Miami universities in pursuance of law; there is hereby re-appropriated the sum of one thousand dollars from the unexpended balance of former appropriations made for this purpose.

Tuition of soldiers.

For the payment of work in constructing two fire places in the senate chamber, done by authority of the joint select committee on ventilation of state buildings, twelve hundred dollars, to be paid when the bills are ordered to be paid by the senate.

Fire places in senate chamber.

Restriction.

SEC. 2. No appropriations herein made shall be paid out except in pursuance of law, or used for any purpose but the specific purpose named.

Board of state charities abolished.

SEC. 3. The act entitled "An act in relation to state charitable and correctional institutions," passed April 17, 1867, (S. & S., 51) is hereby repealed, and the board of state charities are required to turn over to the secretary of state all books, papers and property in their possession; provided, that this repeal shall not prevent said board from retaining the services of the secretary in closing the business of the board and turning over the books, papers and property as aforesaid, or the said secretary from receiving his regular compensation for his services in that behalf, until Feb. 15, 1872, when said services shall cease.

SEC. 4. This act shall take effect from its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed February 10, 1872.

AN ACT

To amend section fourteen of an act entitled "An act providing for the punishment of crimes," passed March 7, 1835, as amended by an act passed May 1, 1857. (S. & C., 406.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fourteen of the above recited act be so amended as [to] read as follows:

Burglary.

Section 14. If any person shall, in the night, willfully, maliciously, and forcibly, break and enter into any dwelling-house, kitchen, smoke-house, shop, office, store-house, ware-house, malt-house, still-house, mill, pottery, factory, watercraft, school-house, church or meeting-house, barn or stable, railroad car factory, station-house, or railroad car, with intent to kill, rob, commit a rape, or with intent to steal property of any value, or to commit any deed made criminal by this act, or the act to which this act is amendatory, every person so offending shall be deemed guilty of burglary, and upon conviction thereof, shall be imprisoned in the penitentiary and kept at hard labor not more than ten years nor less than one year.

Its penalty.

Repeal.

SEC. 2. That said amended section fourteen to which this is amendatory, be and the same is hereby repealed: Provided, however, that no prosecution incurred or commenced under said amended section shall abate by reason of the repeal of the same.

SEC. 3. That this act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed February 10, 1872.

AN ACT

To amend an act to establish a code of criminal procedure for the State of Ohio, passed May 6, 1869, and an act amendatory thereof, passed January 5, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and thirty-four of the code of criminal procedure be amended to read as follows:

Section 134. The following shall be good causes for challenge to any person called as a juror on any indictment:

Causes of
challenge of
jurors.

1. That he was a member of the grand jury which found the indictment.

2. That he has formed or expressed an opinion as to the guilt or innocence of the accused: Provided, that if a juror shall state that he has formed or expressed an opinion as to the guilt or innocence of the accused, the court shall thereupon proceed to examine, on oath, such juror as to the ground of such opinion; and if it shall appear to have been founded upon reading newspaper statements, communications, comments or reports, or upon rumor or hearsay, and not upon conversations with witnesses of the transactions, or reading reports of their testimony or hearing them testify, and the juror shall say, on oath, that he feels able, notwithstanding such opinion to render an impartial verdict upon the law and the evidence, the court, if satisfied that said juror is impartial and will render such verdict, may, in its discretion, admit such juror as competent to serve in such case.

Proviso.

3. In indictments for an offense, the punishment whereof is capital, that his opinions are such as to preclude him from finding the accused guilty of an offense punishable with death.

Further
causes.

4. That he is related within the fifth degree to the person alleged to be injured, or attempted to be injured by the offense charged, or to the person on whose complaint the prosecution was instituted, or to the defendant.

5. That he has served on a petit jury which was sworn in the same cause against the same defendant, and which jury either rendered a verdict which was set aside or was discharged after hearing the evidence.

6. That he has served as a juror in a civil case brought against the defendant for the same act.

7. That he has been, in good faith, subpoenaed as a witness in the case.

8. That he is an habitual drunkard.

9. The same challenges shall be allowed in criminal prosecutions that are allowed to parties in civil cases.

SEC. 2. That section one hundred and thirty-four of said act, as amended, be and the same is hereby repealed; and this act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed February 10, 1872.

AN ACT

To amend an act entitled "An act prescribing the fees of county treasurers," passed April 9, 1861. (S. & S., p. 917.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of the above entitled act be so amended as to read as follows:

Commissions,
 &c., on other
 than taxes
 collected.

Section 2. That the county treasurer on settlement semi-annually with the county auditor shall be allowed for the collection, safe keeping and disbursement of the money coming into the treasury otherwise than from assessment of taxes on the grand duplicate of the county, on any sum so collected for tavern, show or other licenses, for fines, penalties and forfeitures incurred in violation of a penal or criminal statute and the costs collected of the person (or his bondsman) violating the same, in the aggregate not exceeding one thousand dollars, ten per centum, and for the excess, five per centum; on any sum otherwise collected in the aggregate, not exceeding ten thousand dollars, one per centum, and for the excess one-half of one per centum, hereby expressly excepting that upon which some other compensation is fixed by law; Provided that no compensation, per centage, commission or fees shall be allowed to the county treasurer on any money by him received from the treasurer of state, or from his predecessor in office, or from the legal representatives or sureties of such predecessor, or on any money received from the proceeds of the sale of any bonds issued by the county commissioners, or any city council, in pursuance of any law authorizing the issue and sale of such bonds. It is also provided that the fees allowed by this section shall be subject to this limitation, that the total sum to be thus allowed the treasurer at such semi-annual settlement shall not exceed one-tenth of the total sum allowed him as fees, per centage and compensation otherwise by law.

Limitation of
 fees.

SEC. 2. That said original section two be and the same is hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 12, 1872.

AN ACT

To authorize the city council of cities of the first class having a population of over fifty thousand and less than one hundred and fifty thousand at the last federal census, to issue bonds for water-works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of any city of the first class, having a population at the last federal census of over fifty thousand and less than one hundred and fifty thousand, wherein water works have been constructed, for the purpose of completing tunnels, constructing reservoirs, erection of new buildings, purchase of land for water-works purposes, purchase of new engines, extension of water-pipes and other improvements of the water-works, upon the application of the trustees of water works, are hereby authorized and empowered to issue, from time to time, the bonds of the city for any sum, not exceeding in the aggregate one million of dollars, running for such lengths of time as may be deemed proper, not exceeding twenty years, and bearing a rate of interest not exceeding seven per centum per annum.

Authority to
issue bonds
for water-
works.

SEC. 2. Said bonds shall be designated water-works bonds, and shall be sold under the direction of the trustees of water-works at not less than par, and the proceeds shall be applied exclusively to the above named purposes.

Designation
of bonds.

SEC. 3. This act shall take effect from its passage.

N. H. VAN VORHES,
Speaker of the House Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 14, 1872.

AN ACT

Amendatory of and supplementary to "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of said entitled act be so amended as to read as follows :

Section 2. That all certificates executed and acknowledged under any of the provisions of said act of May 1, 1852, as in this act provided, and under which any company or association of persons have in good faith organized and acted, shall, nevertheless, be as good and valid, both in law and equity, as if the same had been acknowledged as provided in the original section to which this is an amendment.

Certificate—
specifica-
tions.

Acknowledg-
ment, &c., of
certificates.

Sec. 3. That any number of persons, as aforesaid, associating to form a company for the purpose of constructing a railroad, shall, under their hands and seals, make a certificate which shall specify as follows: 1. The name of such company, and by which it shall be known. 2. The name of the place of the termini of said road, and the county or counties through which such road shall pass. 3. The amount of capital stock necessary to construct such road. Such certificate shall be acknowledged before a clerk of the court of common pleas, or notary public, or before a justice of the peace, and certified by the clerk of the court of common pleas, and shall be forwarded to the secretary of state, who shall record and carefully preserve the same in his office, and a copy thereof, duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such company.

SEC. 2. That said original section two be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 14, 1872.

AN ACT

To allow cities of the second class to levy an additional tax for sanitary purposes.

Amount of
levy allowed.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That cities of the second class, having a population of more than eight thousand five hundred and less than ten thousand inhabitants, are hereby authorized to levy, in addition to the taxes now authorized by law, for the year

eighteen hundred and seventy-two, the amount of two mills on the dollar valuation on the grand duplicate, the same to be credited to the sanitary fund of said cities, and to be applied to sanitary purposes, or to the payment of debts already contracted for sanitary purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

C. H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 14, 1872.

AN ACT

For redividing cities of the first class, having a population exceeding one hundred and fifty thousand inhabitants, into wards.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in every city of the first class, having a population exceeding one hundred and fifty thousand inhabitants at the last federal census, in which there is a superior court, it shall be the duty of said court, immediately after the passage hereof, to appoint a commission of five judicious citizens, as equally distributed in the different parts of the city as may be, whose duty it shall be, immediately after their appointment, to take an oath faithfully to discharge their duties as such commissioners, and, with the aid of the city civil engineer, to divide and redivide said city into wards not to exceed the number now therein; and said commissioners shall redivide said city on or before the 25th day of February, 1872.

Appointment
of commis-
sion by su-
perior court
—its duties,
&c.

SEC. 2. When the said division or redividing is made, it shall be the duty of said commission to make a plat of the wards proposed, and to give notice that the same is open for inspection at their office, by publication in at least two daily newspapers, published and of a general circulation in the corporation, for two consecutive weeks, during which time they shall meet, at such times and places as shall be stated, once a week, at a time and place stated in the advertisement, to hear any objections that may be urged against such proposed division and redividing, and they may make such alterations therein as they shall deem proper. At the end of said period they shall cause copies of the plat of the wards, as finally adopted, to be made out, with a description of the boundaries of the same, and shall deposit one copy, certified by them, with the mayor, and another in the office of the city clerk, who shall record the same on the minutes of the council.

Plats of
proposed
wards.

SEC. 3. The several wards shall be numbered consecutively, commencing on the east, shall be composed of adjacent and compact territory, and, so far as practicable, shall con-

Numbering,
&c., of
wards.

tain an equal number of inhabitants, and be bounded by streets, alleys, avenues, public grounds and corporation lines: Provided that no line of a ward now constituting a part of a divisional line of Congressional districts shall be changed by said platting commission, and said wards shall not be changed until the annual municipal election next after such redistricting, and the power vested in the council in relation thereto is hereby suspended until after said election.

Effect of re-
districting.

SEC. 4. Nothing herein shall be construed to limit or abridge the term of office of any member of the council or board of education, nor to require the election for members of council, or board of education, or ward officers, until the next ensuing annual election for corporation officers; but the mayor, in issuing his proclamation for said election, shall be governed by the proceedings of the said commission under this act. In case it shall happen that two or more members of the council, or the board of education who hold over, reside in the same ward after the redistricting, the commission shall designate what wards are to be represented by them respectively until the expiration of their terms, and notify the mayor, council and board of education thereof; and new members shall be elected only in the wards left unrepresented after such designation.

SEC. 5. This act shall take effect from and after its passage.

CHARLES. H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 15, 1872.

AN ACT

To amend section six (6) of an act amendatory and supplementary to an act to authorize county commissioners to lay out and establish free turnpike roads, passed April 15th, 1867, (O. L., vol. 64, page 171,) as amended May 16th, 1868. (O. L., vol. 55, page 216.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six (6) of the above recited act be so amended as to read as follows:

Levy of extra
taxes for
turnpikes.

Section 6. That for the purpose of constructing free turnpike roads authorized by this act, extra taxes may be levied as hereinafter provided, on all property, real and personal, within one mile on each side of said free turnpike road, except when any such free turnpike road which has been macadamized or graveled, shall cross a free turnpike road which is either completed of [or] in process of construction, then such lands and personal property as lie within one mile on either side of where such free turnpike roads cross each other, shall be assessed and taxed in proportion to the benefits that

may be derived by the owners of such lands and personal property from the construction and use of such free turnpike road, except when any state, county or free turnpike road shall run upon either side of such road within less than two miles, then the taxes shall be levied on such lands and personal property as lie within one-half the distance of such roads.

SEC. 2. That section six (6) of the above recited act be and the same is hereby repealed, but this repeal shall not affect rights already required [acquired.]

SEC. 3. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 20, 1872.

AN ACT

Further to amend an act entitled "An act to establish a code of criminal procedure for the state of Ohio," passed May 6, 1869. (66 O. L. 287).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections forty-seven, forty-nine and eighty-six of the above recited act be amended so as to read as follows :

Section 47. Whenever a transcript or recognizance shall be returned to the clerk, it shall be his duty to enter the cause upon the appearance docket of the court, together with the date of the filing of the transcript and recognizance, the date and amount of the recognizance, the names of the sureties, and the costs ; whereupon the same shall be considered as of record in such court, and proceeded on by process issuing out of said court in the same manner as if such recognizance had been entered into before such court ; and when any court having cognizance of a crime, shall take a recognizance, it shall be a sufficient record thereof on the journal of such court, to enter upon the journal the title of the cause, the crime charged, the name of the party and his sureties thereto, the amount of such recognizance, and the time therein required for the appearance of the accused, and the same shall be considered as of record in such court ; but in making up the complete record in any case, when one is required to be made, all recognizances, whether returned to or taken in such court, shall be recorded in full if required by the prosecuting attorney or the accused.

Duties of clerk on return of recognizance, etc.

Section 49. If said court shall adjudge that said prisoner ought to be held to bail, it shall recognize him in such sum and with such security as the court shall deem sufficient, conditioned for the appearance of such person at the next term

Recognition of prisoner and witnesses.

of the court which shall have cognizance of the offense ; and in case such person fails to give security, he shall be remanded to jail. If the court to which the accused is recognized shall be in session, he shall be required to appear forthwith, and not depart without leave ; and in all cases where the prisoner is remanded or held to bail, the court shall recognize the witnesses against the accused to appear at the proper court, as provided in this title ; and on taking the recognizances of witnesses the clerk shall enter upon the journal the title of the cause, the names of the witnesses recognized, the amounts severally fixed as to each, the sureties, if any, and the time when such witnesses are required to appear ; and such entry shall be sufficient record of such recognizance.

Presentment
of indict-
ments, and
proceedings
thereon.

Section 86. Indictments found by a grand jury shall be presented by their foreman to the court, and shall be filed with the clerk, who shall endorse thereon the day of their filing, and shall enter each case upon the appearance docket, and also upon the trial docket of the term, as soon as the parties indicted have been arrested ; and the court shall assign said indictments for trial at as early a time in such term as is practicable, and the recognizances of parties and witnesses shall, in all such causes, be taken for their appearance at the time so assigned ; and in case of the continuance of any cause to the next term of the court, such recognizances shall be for the appearance of the parties and witnesses on such day thereof as the court may direct ; and at the end of the term the clerk shall deliver the indictments undisposed of to the prosecuting attorney for saking keeping.

SEC. 2. Said original sections forty-seven, forty-nine and eighty-six are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 7, 1872.

AN ACT

To amend the first section of the act passed February 26, 1857, entitled "An act supplementary to the act entitled an act creating the office of county surveyor and defining his duties," passed March 3, 1831.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above entitled act, passed February 26, 1857, be so amended as to read as follows :

Office to be
provided for
county sur-
veyor.

Section 1. That the county commissioners of each organized county in this state are hereby authorized to provide a suitable office at the county seat for the county surveyor of such county, and furnish the same with suitable cases for the

safe keeping and preservation of the records and papers of his office; also with blank books, blanks and stationery, as may be required by him in the discharge of his official duties.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 7, 1872.

AN ACT

Supplementary to an act entitled "An act to authorize the county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named," passed April 15th, 1867. (S. & S., 680.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when a majority of the persons qualified as petitioners for an extra tax for each of two or more free turnpike roads that are so situated that, by one ending in another, or by one crossing another or otherwise, they form a continuous line or lines of travel, shall present a petition or petitions to the commissioners of the county in which such roads are situate, at any regular session of their board, asking for the consolidation of such roads, and shall satisfy such commissioners that notice of such intended application has been given in the manner prescribed by the first section of the act to which this act is supplementary, said commissioners shall, if they are satisfied the consolidation will be to the benefit of said road and the public, enter upon their minutes an order consolidating said road and appointing commissioners for the consolidated road, who shall have all the powers and perform all the duties in relation thereto prescribed by said act, and from and after the organization and qualification of said commissioners, the powers of the commissioners of the several roads so consolidated shall cease, and said roads shall thenceforward constitute one free turnpike road, to which all the laws relating to free turnpike roads in force from time to time shall apply, the same as if such road had been originally so established.

Consolidation of turnpike roads in certain cases.

SEC. 2. Any levy or levies of extra taxes for either of said roads existing at the time of such consolidation, shall be worked out upon or collected and applied according to law for the purposes of that part of such consolidated road for which they were made; and all moneys in the treasury or elsewhere arising from any extra tax for either of said

Levies of extra taxes; how expended.

roads shall be applied in like manner: Provided, that the commissioners of the consolidated road shall have the same powers as to reducing or abating such levies as are or may be provided by law for commissioners of free turnpike roads.

Settlement
of accounts
by commis-
sioners.

SEC. 3. Upon the organization and qualification of the commissioners of such consolidated road, it shall be the duty of the commissioners of the several roads forming the same to settle their accounts with the county commissioners, and to deliver up all moneys or other property, and also all records, books and papers belonging or pertaining to such roads to the commissioners of such consolidated road.

SEC. 4. This act shall take effect from and after its passage.

N. H. VAN VORHES.

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7, 1872.

AN ACT

To fix the fiscal year of departments in cities of the first class.

Termination
of fiscal year
in cities of
first class.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in cities of the first class, the fiscal year of each office, department, board of trustees, directors or commissioners, shall terminate on the 31st day of December, in each year, and all accounts shall be closed on that day, and all annual reports required by law, shall be made for the year terminating on that day.

SEC. 2. That this act shall take effect and be in force from and after its passage.

CHARLES H. BABCOOK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER.

President of the Senate.

Passed March 7, 1872.

AN ACT

To amend section one of an act entitled an act supplementary to the act entitled an act to provide for the creation and regulation of incorporated companies in the State of Ohio, passed April 15, A. D. 1867. (S. & S., 186.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be amended so as to read as follows:

Section 1. That any number of persons, not less than

five, may associate and become a body corporate for the purpose of constructing a park, pond or rink, or a public hall of any kind, to be used for skating and other lawful sports, or for holding fairs, festivals, public meetings, concerts or entertainments of any kind not prohibited by law, upon complying with the provisions and requirements of this act; and any association or company of persons who have heretofore, under articles of association or agreement, constructed any hall in any town or village in this state, without being heretofore incorporated, may become a body corporate on complying with the requirements of this act.

Incorporation of skating parks, &c.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7, 1872.

AN ACT

To appropriate the tolls of the Western Reserve and Maumee Road to the maintenance and repair of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there be and is hereby appropriated for the superintendence and repairs of the Western Reserve and Maumee road, whatever sums have been or may be collected and paid into the state treasury to the credit of said road between the first day of June, 1871, and the 15th day of November, 1872: "Provided, that no part of the money hereby appropriated shall be applied to repairing such part of said road as is directed to be repaired by the lessees of the public works by an order made by the board of public works on the 14th day of February, A. D. 1872."

Appropriation of tolls for repair of road, &c.

SEC. 2. That said fund be paid by the treasurer of state, on the orders of the boards of public works of this state.

SEC. 3. This act shall be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7, 1872.

AN ACT

To amend an act entitled "An act requiring compensation for causing death by wrongful act, neglect, or default, passed March 25th, 1851." (S. & C., 1139.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section two of the above entitled act be so amended as to read as follows:

Who shall
bring action.

Section 2. Every such action shall be brought by and in the name of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin in the proportions provided by law in relation to the distribution of personal estates left by persons dying intestate; and in every such action the jury may give such damages as they shall deem fair and just, not exceeding ten thousand dollars, with reference to the pecuniary injury resulting from such death to the wife and next of kin to such deceased person.

Damages.

SEC. 2. That said original section two be and the same is hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 7, 1872.

AN ACT

To provide for vaccination in the public schools of this State, and to prevent the spread of small-pox therein.

Boards of education to
make and
enforce rules
for vaccination.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several boards of education in this state shall have authority to make and enforce such rules and regulations to secure the vaccination of, and to prevent the spread of small-pox, among the pupils attending or eligible to attend their respective schools, as in their opinion the safety and interest of the public may require. It shall be the duty of the board of health, town council or trustees of township, of every city, town or township, on application of the board of education of said city, town or township, to provide without delay, at the public expense, the means of vaccination to such pupils as shall not be provided therewith by their respective parents or guardians.

SEC. 2. It shall be the duty of the president of every such board to call a meeting thereof, for the purpose contemplated in this action the request of any member thereof. Duty of boards of health, &c.

SEC. 3. This act shall take effect on its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7, 1872.

AN ACT

To amend an act entitled "An act to amend an act supplementary to an act to regulate the election, and contest of election and the resignation of justices of the peace," passed March 11, 1868 (S. & C., p. 766); passed March 28, 1861. (S. & S., p. 412.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the aforesaid act be amended so as to read as follows:

Section 1. That in all cases where the incorporated limits of any city or incorporated village are now or hereafter may become co-extensive with the limits of any township in which said city or incorporated village is or shall be situated, and in which the township has been or may become merged in any city or incorporated village, the corporate existence of such township shall, nevertheless, continue for the purpose of electing the justices of the peace and constables for said township, who shall be voted for on the same piece of paper: Provided, that in cities of the first class having a population less than eighty thousand inhabitants, which were of that class on the 28th day of March, A. D. 1861, and in all cities of the second class, the corporate limits of which are co-extensive with the township in which the same is situated, justices of the peace and constables for such township shall be voted for on the same ticket with officers for such city, and such return thereof made as is now or may be provided by law upon the election of such officers in other cases.

Election of justices and constables in townships within city limits, &c.

SEC. 2. This act shall take effect on its passage; and section one of the act to which this act is amendatory, is hereby repealed.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7th, 1872.

AN ACT

To authorize township clerks to administer oaths and take and certify affidavits in certain cases.

Township
clerks may
administer
oaths, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That township clerks in this state shall have power to administer any oath or affirmation, and to take and certify any affidavits which may be necessary in or pertain to the business of their offices respectively, or which may be necessary in any official business of or with the township trustees or board of education of their respective township.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 11, 1872.

AN ACT

To amend sections one, two and five of an act supplementary to an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1862 [1852]. (S. & C. 271, Swan's R. S., 197, S. & S. 237.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections one, two and five of the above recited act be and the same are hereby so amended severally as to read as follows:

Companies
authorized to
increase capi-
tal stock, &c.

Section 1. That any company which has been heretofore or may hereafter be incorporated under the general laws of this state for manufacturing, bridge, hydraulic or gas purposes, or masonic or odd fellows' associations, may increase its capital stock and change the number of its directors: Provided, that no such change shall make the number less than three nor more than fifteen.

Meeting of
stockholders
to be called,
&c.

Section 2. That the directors of any such manufacturing, bridge, hydraulic or gas company, or masonic or odd fellows' association, desiring to increase the capital stock thereof, or change the number of its directors, or both, shall call a meeting of its stockholders for that purpose, giving at least thirty days' previous notice of such meeting in some newspaper published at the place of business of such company, or if there be none published there, then by notice personally or by mail to each shareholder. Before voting upon the proposition to increase the capital stock of such company or association, or after voting upon such proposition and before the issuing of any certificate of such increased capital stock, it shall be lawful for the directors, by and with the consent of a majority in interest of the stockholders, to cause a correct

Inventory
and appor-
tionment of
earnings, &c.

inventory and fair and just appraisal to be made of all earnings, profits, increase and property belonging to such company or association, that had not already been divided among the stockholders, and to add the aggregated amount of such earnings, profits, increase and property to its then capital stock, and to issue certificates of such additional stock to the then stockholders of such company or association, in proportion to the amount of stock then held by each stockholder, and to no other party or person.

Section 5. The stockholders of any manufacturing, bridge, hydraulic or gas company, or masonic or odd fellows' association, increasing its capital stock under this act, or which has heretofore increased the same under the act entitled "An act to authorize manufacturing companies to increase their capital stock in certain cases," passed May 1, 1854, shall be individually liable for all the debts of such company or association to an amount over and above the stock by him or her owned in such company, and any unpaid installments thereon to a further sum equal in amount to such stock, and shall moreover be individually liable for all debts due to the employes of such company or association.

Individual
liability of
stockholders.

SEC. 2. The said sections one, two and five are hereby repealed, and

SEC. 3. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To amend section 352 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7th, 1869.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three hundred and fifty-two of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7th, 1869, be and the same is hereby amended so as to read as follows:

Section 352. Any city or incorporated village which shall have established, or hereafter may establish water-works, is hereby authorized to enter into a contract with any contiguous city or incorporated village for the supply of the latter with water, upon such terms as shall be mutually agreed upon by the board of trustees of water-works of the respective cities, or of the city and incorporated village, or of the incorporated village; and any city or incorporated village which has constructed or may hereafter construct water-works, is hereby authorized and empowered to dispose of any surplus water for manufacturing or other purposes, by lease or otherwise, upon such terms as may be agreed upon by the

Authority to
supply con-
tiguous cities
or villages
with water,
&c.

board of trustees of said water-works, and approved by the council of said city or incorporated village; and all moneys received for such surplus water shall be applied to the payment of the principal and interest of the bonds issued for the construction of such water-works, or other expenses incident to the maintenance of said water-works: Provided, that no lease shall be made for a longer term than twenty years.

SEC. 2. That section three hundred and fifty two be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 11, 1872.

AN ACT

To amend section eight of an act entitled "An act to authorize the county commissioners to lay out and establish free turnpike roads, and to repeal certain acts therein named," passed April 15, 1867. (S. & S., 680.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eight of the above entitled act be and the same is hereby so amended as to read as follows:

Appropriation of funds raised by taxation.

Section 8. So much of the taxes appropriated by this act as shall be paid into the county treasury, shall be computed by the county auditor and paid over by the treasurer, upon the certificate of the officers of said board, they certifying that labor to the amount thereof has been performed on said road, under the direction of said commissioners or their agents: Provided, that when two or more free turnpikes cross each other, or have been or may be within less than three miles of each other, the county commissioners of any county through or in which any such roads, or any part thereof, may be located, are hereby authorized to make such equitable division or apportionment amongst said roads of said taxes (other than extra taxes) apportioned to any one or more of said roads by law, as said commissioners may deem proper, the same to be discharged in labor under the direction of, or paid out upon the certificate of the board to whose road they pertain under such apportionment.

SEC. 2. That said original section eight be and the same is hereby repealed; and this act shall be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 11, 1872.

AN ACT

To amend sections 135 and 145 of an act entitled an act of the jurisdiction and procedure before justices of the peace, and of the duties of constables in civil courts, passed March 14, 1858. S. & C., pp. 794, 795.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 139 and 145 of the above recited act, be amended so as to read as follows:

Section 139. The plaintiff may recover the possession of specific personal property of less value than three hundred dollars (\$300) before a justice of the peace, as herein provided.

Extension of jurisdiction of justices.

Section 145. Whenever the appraised value of the property so taken shall amount to or exceed three hundred dollars, the justice shall certify the proceedings upon the said writ to the court of common pleas of his county, and thereupon shall file the original papers, together with a certified transcript of his docket entries, in the clerk's office of said court, the case there to be proceeded in as if such suit had commenced in said court.

Proceedings when property exceeds \$300.

SEC. 2. That said original sections 139 and 145 be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To amend an act entitled "An act regulating the charges for transportation of freight upon railroads within this State." (Ohio Laws, vol. 68, page 78.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be unlawful for any corporation, company, person or persons, owning, controlling or operating a railroad, in whole or in part, within this state, to charge or receive for transportation of freight for any distance within this state, a larger sum than is charged by the same corporation, company, person or persons, for the transaction in the same direction of freight of the same class or kind, for an equal or greater distance over the same railroad and connecting lines of railroad; and every such corporation, company, person or persons who shall violate or permit to be violated, the provisions of this act, shall forfeit and pay to the party aggrieved a sum equal to double the amount of the over-charge, but in no case shall the amount of the forfeiture be less than twenty-

Excess of charges for local, freight, &c., forbidden.

Penalty.

five dollars; and shall also for every such unlawful act, forfeit and pay to the state of Ohio a penalty of not less than one hundred nor more than one thousand dollars, to be recovered in a civil action against said corporation, company, person or persons, which action shall be brought in the name of the state of Ohio, by the prosecuting attorney of the county wherein such offense shall have been committed, as part of his official duties, whenever complaint shall be made to the prosecuting attorney, and he shall be satisfied that the provisions of this act have been violated.

SEC. 2. That section one of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

Amendatory of and supplementary to an act entitled "An act to amend an act authorizing the appointment of metropolitan police commissioners in cities of the first class with a population less than one hundred thousand inhabitants at the last federal census," passed April 5, 1866, and amended April 2, 1868. (O. L., vol. 65, page 45.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one, three, four, five and nine of said act be amended so as to read as follows:

Board of police in certain cities.

Section 1. That all powers and duties connected with, and incident to the government and discipline, in cities of the first class with a population of less than one hundred and fifty thousand and over ninety thousand inhabitants at the last federal census, shall be as hereinafter more especially provided, vested in and exercised by a board of police in each city, composed of four commissioners of police, together with the mayor of said cities, who shall be *ex-officio* a member of said board and the president thereof, a majority of whom shall constitute a quorum for the transaction of business.

Commissioners of police.

Section 3. At the first regular annual municipal election in said cities after the passage of this act, there shall be elected from the qualified electors in each of said cities, four freeholders, who, together with the mayor *ex-officio*, shall be the chief officers of said police, one of which commissioners so elected shall hold office for the term of one year, and which shall expire on the first day of April, eighteen hundred and seventy-three (1873); one of which commissioners so elected

shall hold office for the term of two years, and which shall expire on the first day of April, eighteen hundred and seventy-four (1874); one of which commissioners so elected shall hold office for the term of three years, and shall expire on the first day of April, eighteen hundred and seventy-five (1875); and one of which commissioners so elected shall hold office for the term of four years, and shall expire on the first day of April, eighteen hundred and seventy-six (1876). The respective terms of office of such commissioners to be by them determined by lot. And at each annual election thereafter, there shall be elected one member of said board, for the term of four years. Any vacancy caused by death, removal or resignation of any commissioner in said board, shall be filled for the unexpired term by the city council of said cities.

Vacancies,
how filled.

Section 4. The persons severally elected commissioners of police by virtue of this act, shall, before exercising the duties thereof, be duly sworn to a faithful performance of the same, and until the said commissioners are duly qualified, the mayor of any city of the first class is hereby invested with such powers as are herein provided for the board of police commissioners, with full power to execute the same.

Oath of office.

Mayor to act
temporarily.

Section 5. The said board of police shall at any time have power to appoint a superintendent of the police force, a captain of police, and one captain in addition for each fifty patrolmen called into service more than the first fifty, a sergeant of police to each twelve patrolmen, a roundsmen of police for each police precinct; and also regular or compensated patrolmen, not exceeding one to each seven hundred and fifty inhabitants, as shown by the last federal census: Provided, that the number of said patrolmen may be increased by and with the consent of the city council; and provided, also, that said board shall have the power, in cases of emergency, to appoint as many special patrolmen as it may think proper, but such appointment shall be reported to and be subject to the action of the city council at its next meeting. The board may, from the patrolmen, appoint detectives, not exceeding six in number, who shall act as secret police or detectives; and when from any cause a vacancy shall exist in the number so first appointed, the board may appoint to said vacancy the patrolmen which the record required to be kept as hereinafter provided, shall show to be most meritorious. Said board shall also have power, for cause, to be assigned on a public hearing, and on due notice, according to rules to be promulgated by them, to remove or suspend from office, or for a definite time deprive from pay, any member of such police force; to make rules and regulations for the government and discipline of said force, and shall cause the same to be published, and to make and promulgate general and special orders to said force through the superintendent of police.

Appointment
of superin-
tendent, &c.,
of police.

Further pow-
ers of the
board.

Section 9. The qualification, enumeration and distribution of duties, mode of trial and removal from office of each member of said police force, shall be particularly defined and prescribed by rules and regulations of the board of police; and no person shall be appointed to or hold office in the

Rules and
regulations
to be pre-
scribed, &c.

How vacancies to be filled.

As to compensation.

No member of board to share in any benefit, receive any gift, &c.

Disposition of moneys collected for service of writs, &c.

police force aforesaid, who is not a citizen of the United States and a resident of the city; and provided that no officer or patrolman shall be removed therefrom, except on written charges preferred against him to the board of police, and after an opportunity shall have been afforded him of being heard in his defense; but the board of police shall have power to suspend any member of the police department of the city, pending the hearing of the charges preferred against him; and provided, that whenever any vacancy shall occur in the office of captain of police, the same may be filled by an appointment from among the persons then in the force, as sergeants of police; and a like vacancy in the offices of sergeant of police may be filled by appointment from among the persons then in office as roundsmen of police; and a like vacancy in the office of roundsman of police may be filled by appointment from among the persons then in office as police patrolmen. The police commissioners shall receive no compensation for their services. The superintendent shall receive a salary not exceeding twenty-five hundred dollars per annum; each captain shall receive a salary of not exceeding eighteen hundred dollars per annum; each sergeant, a salary not exceeding fourteen hundred dollars per annum; each detective, a salary not exceeding fourteen hundred dollars per annum; each roundsman, a salary not exceeding twelve hundred dollars per annum. The pay of each patrolman shall not exceed the sum of one thousand dollars per annum: Provided, the board shall have the power to detail one or more patrolman as clerks to the superintendent of police, who shall receive a salary not exceeding fourteen hundred dollars per annum. The pay in all cases shall be fixed by said board of police commissioners. The salaries shall be paid monthly to each person entitled thereto. No member of the board of police, or of the police force, shall receive or share in for his own benefit, under any pretense whatever, any present, fee, gift or emolument, for police service, other than the regular salary and pay provided by this section, except by the unanimous consent of the board of police; nor shall any such member share in or receive any fee, gift or reward from any person who may become bail for any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward, in any case, from an attorney at law, who may prosecute or defend any person arrested or prosecuted for any offense within the county in which such cities may be situated; nor shall any such member, either directly or indirectly, interest himself or interfere in any manner whatever in the employment or retainer of any attorney to aid in the defense of any persons arrested or accused; and for any violation of either of the foregoing provisions, the person so offending shall be immediately removed from the police force.

SEC. 2. That all moneys which shall be collected by the police courts of said cities, for and on account of the service of writs issued by said courts by the police force, shall be paid to said board of police, and such moneys, together with

all moneys received from any source whatever, not otherwise provided for by this act, by the said board of police, shall constitute a fund to be called "the contingent fund," out of which said contingent fund shall be paid all incidental or extraordinary expenses incurred by the said board, and the payment of which is not otherwise provided for by this act.

SEC. 3. The superintendent, deputy superintendent, or any captain of police, having just cause to suspect that any felony is being, or is about to be committed, within any building, public or private, or on any wharf or enclosure, or on board of any ship, boat or vessel within said city, may enter the same at all hours of the day and night to take all necessary measures for the affectual prevention or detection of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have, then and there, just cause to suspect has been stolen. The members of said police shall also serve or execute any criminal process issued by the police court of said city or cities.

Rights and
duties of off-
icers of police.

SEC. 4. That sections one, two, three, four, five and nine of the act to which this is an amendment, be and the same are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

Relating to receivers of railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any line of railroad, the whole or any part of which lies within the limits of this state, has been placed by order of court in the hands of a receiver, who has taken charge of and is operating the same for the purpose of carrying passengers and freight, and doing such other things as ordinarily belong to the running and management of railroads, the person so appointed receiver may, in his official capacity, sue or be sued in the courts of this state without leave previously granted.

Receiver
may sue or
be sued, &c.

SEC. 2. Actions may be brought against the receiver of a railroad in any county through or into which said road is constructed, and service of summons may be had upon said receiver, or upon the superintendent of the road, or upon any ticket or freight agent who is in the employment of or acting for said receiver: Provided, however, that no service made upon the ticket or freight agent shall be valid, unless

Where ac-
tions may be
brought,
summons
served, &c.

the office or place of business of such agent shall be in the county where suit is brought.

Application
of earnings,
&c., by re-
ceiver.

SEC. 3. The earnings of a railroad in the hands of a receiver, and all other moneys coming in his hands, as such receiver, shall be applied first to pay costs and expenses of the suit in which he was appointed, and the expenses of operating and managing the road, including all materials and supplies procured by him therefor, and also liabilities incurred by him in such operation and management; and all judgments recovered against the receiver of a railroad for injuries to person or property, or for wages of employes, or work done, or materials furnished while such receiver is operating or managing such railroad, shall be a lien on the funds in his hands as receiver, but shall affect him only in his trust capacity, and not individually.

Judgments
to be a lien
upon funds,
&c.

Where funds
shall be kept
and de-
posited.

SEC. 4. When the line of railroad, operated by a receiver lies wholly within the state of Ohio, all moneys coming into the hands of the receiver, whether arising from the operating of the road or otherwise, shall be kept and deposited in such place within this state as the court may direct, until properly disbursed; but if any portion of said railroad shall lie in another state or states, then said receiver shall be required to deposit in this state at least such share of the funds in his hands as is proportioned to the value of the property of said road within the limits of Ohio.

SEC. 5. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 12, 1872.

AN ACT

To provide for establishing an insurance department in the state of Ohio.

Establish-
ment of in-
surance de-
partment.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That there is hereby established a separate and distinct department, to be known as the insurance department, which shall be charged with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies.

Appointment
of superin-
tendent of
insurance—
his term, sal-
ary, &c.

SEC. 2. That there shall be appointed by the governor, by and with the advice and consent of the senate, if in session, within thirty days after the passage of this act, a chief officer of said department, who shall be styled the superintendent of insurance, and shall hold his office for the term of three years, and until his successor is duly appointed and qualified, and shall receive for his services the sum of three thousand dollars per annum: Provided, however, that the person first appointed superintendent under this act shall

enter upon the duties of his office on the first Monday of June, A. D. 1872. The person so appointed shall be an elector of this state, and shall, during his term of office, have no official connection with any insurance company, nor own or be interested in the business, bonds, stock, or other property of, or be employed by any such company, and shall be ineligible to or hold any other office during the term of his said office. In case of a vacancy in said office by death, resignation, removal, suspension, or otherwise, the governor shall fill the vacancy and report the name of such appointee to the senate, if in session, and if not, within ten days after the commencement of the next regular or adjourned session thereafter; and such appointee, by and with the advice and consent of the senate, shall hold his office for the unexpired term, and until his successor is duly appointed and qualified. If at any time the governor shall become satisfied that the superintendent is inefficient, incompetent or derelict in the discharge of his duties, he is hereby authorized and required, by and with the advice and consent of the senate, if it be in session, to remove said superintendent from office, and if the senate be not in session, to suspend him from the discharge of his duties, temporarily filling the vacancy, as hereinbefore provided, and reporting the fact to the senate at its next meeting thereafter, for its action thereon.

Vacancy,
how filled.

May be re-
moved by
governor.

SEC. 3. Before entering upon the discharge of his duties, the said superintendent shall take an oath or affirmation to support the constitution of the United States, and the constitution of this state, and to faithfully and honestly discharge the duties of his said office, and that he is not an officer, employe or stockholder in any insurance company, or otherwise interested therein, directly or indirectly, except as a policy holder; and shall also give bond to the state of Ohio, in the sum of twenty thousand dollars, with not less than two sureties, to be approved by the governor, and filed and recorded with the secretary of state, conditioned for the faithful discharge of the duties of his office. The said superintendent shall possess all the powers, perform all the duties, and be subject to all the obligations and requirements now invested in or appertaining to the auditor of state by the laws relating to insurance and insurance companies, and from the date of entering his office shall take the place of said auditor, under all the provisions of said laws, and have the sole and exclusive charge and control over said insurance department, under the laws relating thereto.

Oath, bond,
&c., of super-
intendent.

Powers and
duties.

SEC. 4. Said superintendent may appoint a chief clerk, who shall in no way be interested in any insurance company, except as a policy holder, whose appointment shall be evidenced by a certificate thereof, under the official seal of the superintendent, and who shall continue in office during the pleasure of the superintendent; and before entering upon his duties shall take the oath of office herein above prescribed, and give bond with two or more sureties, in the sum of ten thousand dollars, to the acceptance of the superintendent, conditioned for the faithful performance of his official

Chief clerk—
his oath,
bond, duties,
&c.

Other clerks.

Office to be provided.

Seal of office—its validity, &c.

Books, documents, &c., to be transferred to superintendent.

His powers over suspected companies.

duties; and in case of the absence or inability of the superintendent, the said chief clerk shall act as his deputy, and shall possess the powers and perform the duties of the superintendent. The superintendent shall also have power to employ such other clerks, from time to time, as may be necessary to carry on the business of his office with promptness and accuracy; and, whenever necessary for the examination into the business and affairs of any insurance company, may employ one or more skilled and competent persons to make such examination and report thereon. The superintendent shall be furnished with suitable rooms in the state house, which shall be furnished from time to time with the necessary office furniture, stationery, and other conveniences for the transaction of the business of his office; and all the salaries, payments and expenditures for said insurance department, authorized by this act, shall be paid out of the treasury, upon the certificate of the superintendent, in the same manner as other like expenses: Provided, the amount so paid out shall at no time exceed that collected from the insurance companies as provided for in this act.

SEC. 5. The seal of the superintendent of insurance shall be one inch and three-fourths in diameter, surrounded by the words, "Superintendent of insurance of Ohio," with the device prescribed for the seal of the auditor of state and other officers, by the act passed May 9, 1868, to be furnished by the secretary of state; and every certificate, assignment or conveyance executed by said superintendent in pursuance of any authority conferred by law, and sealed with his seal of office, shall be received as evidence, and may be recorded in the proper recording office in the same manner and with like effect as a deed regularly acknowledged before an officer authorized by law to take the acknowledgment of deeds; and all copies of papers in the office of said superintendent, certified by him and authenticated by the said seal, shall in all cases be evidence equally and in like manner as the original.

SEC. 6. All books and documents, and all other papers whatever, in the office of the auditor of state, relating to insurance, shall, on demand, be delivered and transferred to the superintendent of insurance, who shall give to the said auditor of state a receipt for the same, which shall be to the auditor a full release from all responsibility in connection with such documents, etc.; and thereafter such books, papers and documents shall be and remain in the charge and keeping of the said superintendent in his said office.

SEC. 7. It shall be the duty of the superintendent of insurance, whenever he shall have good reason to suspect the correctness of any annual statement, or that the affairs of any company are in an unsound condition, to make or cause to be made an examination into the affairs of any such insurance company, for the purposes named in this act, incorporated in this state, or doing business by its agencies in this state; and it shall be the duty of the officers or agents of any insurance company doing business in this state, to cause their books to be opened for the inspection of said superintendent

or the person or persons so appointed, and otherwise to facilitate such examination, so far as it may be in their power so to do.

SEC. 8. For that purpose the superintendent, or the person or persons so appointed by him, shall have power to examine, under oath, which he or they are hereby empowered to administer, the officers and agents of any company relative to the business of said company; and whenever the superintendent shall deem it for the interest of the public, he shall publish the result of such investigation in some newspaper printed in Columbus, and of general circulation in the state, and in a newspaper printed in the county where the principal office of the company is located.

Further powers and duties.

SEC. 9. Whenever it shall appear to the said superintendent, from such examination, that the assets of any life insurance company are insufficient to reinsure its outstanding risks as provided by this act, or that the net assets of any insurance company other than life, organized under the laws of this state, are reduced more than twenty per cent. below the capital stock required by this act, or by its charter, he shall require the officers thereof to direct the stockholders to pay in the amount of such deficiency, within such period as he may designate in such requisition, or in default thereof he shall communicate the fact to the attorney general, whose duty it shall then become to apply to the supreme court for an order requiring such company to show cause why the business of such company should not be closed, and the court shall thereupon proceed to hear the allegations and proofs of the respective parties. Any transfer of the stock of any company made during the pendency of any such investigation, shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer.

Proceedings against unsound companies.

SEC. 10. If upon examination it shall appear to the superintendent that the assets of any company chartered on the plan of mutual insurance are insufficient to justify the continuance of such company in business, it shall be his duty to proceed, in relation to such company, in the same manner as is herein required in regard to joint stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the superintendent of insurance shall have issued his requisition for filling up the deficiency in the assets, and before such deficiency shall have been made up.

Also, mutual insurance companies.

SEC. 11. In case it shall appear to the satisfaction of said court, that the assets of said company are not sufficient, as aforesaid, or that the interests of the public so require, the said court shall decree a dissolution of said company and a distribution of its effects. The supreme court shall have power to refer the application of the attorney general to a referee, to inquire into and report upon the facts stated therein. After the superintendent shall have issued his requisition as aforesaid, it shall be unlawful for said company to issue any new policies of insurance, or to transact

Dissolution of unsound companies.

any new business, until the court shall have rendered its decision in the case, and until the superintendent of insurance shall have issued to such company a license, which shall be its authority to resume business.

Revocation
of authority
to such com-
panies.

SEC. 12. Whenever it shall appear to the superintendent of insurance, from the report of the person appointed by him, or other satisfactory evidence, that the affairs of any company, partnership or association, not organized under the laws of this state, are in an unsound condition, he shall revoke the authority granted to such company to do business in this state, and cause a notice thereof to be published in at least one newspaper published in the city of Columbus, and in the county where the general agency is located within this state, and after the publication of such notice, it shall not be lawful for the agents of such company to procure any new applications for insurance or to issue any new policies. The expenses of any examination made under this act shall be paid by the company examined.

Record of
proceedings,
and report
thereof.

SEC. 13. The superintendent shall keep and preserve, in a permanent form, a full record of his proceedings, including a concise statement of the condition of each company reported, visited or examined by him. The said superintendent shall, annually, at the earliest practicable date after the returns are received from the several companies, make a report to the legislature of the general conduct and condition of the insurance companies doing business in this state, with such suggestions as he deems expedient, including also the information contained in the statements required of the said companies, and the result of the official valuations of life policies, to be arranged in tabular form, and prepare the same for printing in two separate reports, one pertaining to life insurance companies, and the other to all insurance companies other than life; three hundred copies of each of said reports shall be printed for the use of the general assembly; two thousand five hundred copies of each for the use of the superintendent, of which five hundred volumes containing both reports shall be bound in cloth. He shall also report the names and compensation of the clerks employed by him, the whole amount of income, the source whence derived, and the expenses in detail during the year ending upon the thirty-first day of the preceding December.

Annual valu-
ations, &c.,
to be made.

SEC. 14. It shall be the duty of the superintendent, annually, to make, or cause to be made, net valuations of all outstanding policies, additions thereto, unpaid dividends, and all other obligations of every life insurance company transacting business in this state; and for the purpose of such valuations, and for making special examinations of the condition of life insurance companies, as provided in the laws of this state, relating to life insurance companies, and for valuing all policies of whatever description, and for any purpose whatever, the rate of interest shall be four per cent. per annum, and the rate of mortality shall be established by the tables known as the Actuaries or Combined Experience Tables: Provided, that whenever the laws of any other state of the United States shall authorize a valuation of life insurance policies by

some designated state officer, according to the standard herein provided, the valuation made according to the said standard, by such officer, of the policies and other obligations of any life insurance company not organized under the laws of this state, and certified by said officer, may be received as true and correct, and no further valuation of the same shall be required of such company by the superintendent of insurance.

SEC. 15. The superintendent shall annually, in September, furnish to the insurance companies doing business in this state, two or more printed copies of the forms of statements required by this act to be made by them, and he may make such changes, from time to time, in the form of the same, and such additions thereto, as shall seem to him best adapted to elicit from said companies a true exhibit of their condition.

Forms of statements to be furnished.

SEC. 16. All securities deposited with the superintendent of insurance, pursuant to the provisions of any law of this state, shall be deposited by said superintendent of insurance with the treasurer of state, who, with his sureties, shall be responsible for the safe keeping thereof; and said treasurer shall only deliver such securities, or coupons attached thereto, upon the written order of the superintendent of insurance, and upon the warrant of the auditor of state.

Securities to be deposited in state treasury.

SEC. 17. There shall be paid by every insurance company doing business in this state, to the superintendent of insurance, the following fees, to wit: For the filing and examination of the first application of any company, and issuing the license thereupon, the sum of twenty-five dollars; for filing the annual statement required, twenty dollars; for each certificate of authority, or license, and certified copy thereof, two dollars; for every copy of a paper filed in his office, the sum of twenty cents per folio; and for affixing the seal of office, and certifying any paper, one dollar: Provided, that any company may pay to said superintendent the sum of two hundred and fifty dollars for licenses to its agents for the year, and by so doing shall be entitled, without further charge, to licenses for as many agents as it may choose to appoint. There shall be paid, also, by every life insurance company doing business in this state, annually, by way of compensation for the valuation of its policies, in case no certified valuation of the same has been furnished to the superintendent of insurance, as provided in section fourteen of this act, one cent on every thousand dollars insured by it on lives, all of which fees shall be paid by the superintendent into the state treasury. When, by the laws of any other state or nation, any taxes, fines, penalties, license fees, deposits of money, or of securities, or other obligations or prohibitions are imposed on insurance companies of this state, doing business in such state or nation, or upon their agents therein, so long as such laws continue in force, the same obligations and prohibitions of whatever kind, shall be imposed upon all insurance companies of such other state or nation, doing business within this state, and upon their agents here.

Fees to be paid by companies.

Licenses,
&c., of persons making
application
for insurance.

SEC. 18. It shall be unlawful for any person, company or corporation in this state, either to procure, receive or forward applications for insurance in any company or companies not organized under the laws of this state, or in any manner to aid in the transaction of the business of insurance with any such company, unless duly authorized by such company and licensed by the superintendent of insurance, in conformity to the provisions of this act.

Annual publication of
certificate
required.

SEC. 19. It shall be the duty of every insurance company doing business in this state, to publish, at least once a year, in some newspaper of general circulation, in every county where such company has an agent, a certificate from the superintendent of insurance that such company has, in all respects, complied with the laws of the state relating to insurance. Said certificate shall also contain a statement, under the oath of the president or secretary of such insurance company, of the actual amount of paid up capital, the aggregate amount of assets and liabilities, together with the aggregate income and expenditures of such company for the year preceding the date of such certificate, a copy of which certificate shall be filed in the office of the recorder in each county in which the company has an agent. No other publication than as above provided for shall be required of such companies.

Foreign insurance companies may
appoint
agents, &c.

SEC. 20. Any insurance company not organized under the laws of this state, may appoint one or more general agents in this state, by resolution of their board of directors or managers, with authority to appoint other agents of said company in this state, a certified copy of which resolution shall be filed with the superintendent of insurance; and agents of such company, appointed by such general agent, shall be held to be the agents of such company as fully, to all intents and purposes, as if they were appointed directly by the company. Agents for any such company in this state may be appointed by the president, vice president, chief manager or secretary thereof, in writing, with or without the seal of the company, and when so appointed, shall be held to be the agents of such company as fully as if appointed by the board of directors or managers in the most formal mode.

Fee of county recorder.

SEC. 21. Every county recorder shall be authorized to demand and receive, for every paper filed in his office under this act, the sum of ten cents.

Discontinuance of business by life insurance company.

SEC. 22. When any life insurance company, transacting the business of insurance within the state of Ohio, shall desire to discontinue its business, the superintendent shall, upon application of such company, or association, give notice of such intention in a paper published and having general circulation in the county in which said company or its general agency is located, at least once a week for six weeks, the expenses of publication to be paid by such company. After such publication, said superintendent shall deliver up to such company, or association, the securities held by him belonging to them, on being satisfied, by the exhibition of the books and papers of such company, or association, and on examination to be made by himself, or some competent disinterested person or persons, to be appointed by him, and upon the oath of

the president or principal officer, and the secretary or actuary of the same, that all debts and liabilities of every kind are paid and extinguished, that are due, or may become due, upon any contract or agreement made with any citizen or resident of the United States. And the said superintendent may, also, from time to time, deliver up to such company, or association, or its assigns, any portion of said securities, on being satisfied that an equal proportion of the debts and liabilities, of every kind, that are due, or may become due, upon any contract or agreement made with any citizen or resident of the United States, by said company, or association, has been satisfied: Provided, the amount of securities retained by him shall not be less than twice the amount of remaining liabilities.

SEC. 23. All the provisions of this act relating to insurance companies, organized under the laws of any other state of the United States, shall apply to any company organized under the laws of the United States, for any of the purposes specified in this act; and all the provisions of this act relating to agents of companies organized under the laws of any state, shall apply to the agents of such companies, organized under the laws of the United States; and any violation of the provisions of this act by any person, or agent, in the employment of any such company, organized under the laws of the United States, shall subject the offender to the same penalties provided by this act for any violation of its provisions by persons acting for similar companies, organized under the laws of any other state of the United States.

Applicable to companies under laws of the United States.

SEC. 24. Every person who shall knowingly and willfully violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to prosecution therefor, as in cases of other misdemeanors, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars. And any corporation, or any officer or agent thereof, willfully violating any of the provisions of this act, shall be liable to prosecution, and on conviction thereof shall be fined in any sum not exceeding one thousand dollars; which fines shall, when collected, be paid into the treasury of the proper county for the benefit of the common school fund; and, moreover, such person or corporation shall be liable in damages to the party injured by reason of such violations.

Penalty for violation of provisions of this act.

SEC. 25. The provisions of this act shall apply to individuals and parties, and to all companies and associations, whether incorporated or not, now or hereafter engaged in the business of insurance. It shall be unlawful for any company, corporation or association, whether organized in this state or elsewhere, either directly or indirectly, to engage in the business of insurance, or to enter into any contracts substantially amounting to insurance, or in any manner to aid therein, in this state, without first having complied with all the provisions of this act.

Insurance business unlawful, except under provisions of this act.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 12, 1872.

AN ACT

To establish Boards of Control, and to prescribe their duties.

Boards of control to be elected in certain cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in each county in this state containing a city of the first class, having a population exceeding one hundred and eighty thousand, there shall be, in addition to the board of county commissioners, a board of control, to consist of five members, who shall be elected at the annual election in April, by the qualified electors of any county in which by the provisions of this act a board of control is established, and they shall hold their office for three years, and until their successors are elected and qualified; and the said board of control shall meet with the board of county commissioners of said county at their regular meeting on the first (1) Monday of March, June, September and December, and at such other times as may be necessary, and as may be provided for by said board of control.

Sheriff shall give notice of election.

SEC. 2. The sheriff of said county shall give public notice by proclamation throughout his county, ten days prior to the first election under this act, in the manner now required by law, of the time of holding said election, and the number of officers to be chosen under the provisions of this act.

Organization of the board—its duties, &c.

SEC. 3. The members so chosen shall, on the second (2) Monday in April after their election, assemble together and organize the board of control; a majority of the whole number of members shall be necessary to constitute a quorum for the transaction of business. All proceedings of said board of control shall be public. They shall determine the rules of their proceedings, and these shall, as far as possible, be in accordance with parliamentary law; they shall keep a journal of all the proceedings, which shall be open at all proper times to the inspection of the public, and may compel the attendance of absent members in such manner as they may prescribe; they shall elect from their own body a president, who shall preside at their meetings, during the term for which they have been elected, and they may elect a president *pro tempore*. The members of said board of control shall receive no compensation for their services; they shall elect a clerk and assistant clerks, if necessary, at such salaries as they deem proper, but not to exceed the sum of of eight (8) hundred dollars per year, whose duty it shall be to keep a correct journal of all the proceedings of said board of control, and perform such other duties as may be required by the rules and regulations of said board of control. The clerk in office at the term of service of the board of control shall continue in office until his successor shall be appointed.

When yeas and nays must be called.

SEC. 4. The yeas and nays shall be called on every motion or resolution which involves the appropriation or payment of money, or the awarding of contracts, or the assessing or levying of taxes; and the action taken therein shall be entered in

full by the clerk in the journal, and it shall be duly certified to by the president and clerk, and shall be received as evidence in any court in this state.

SEC. 5. The members of the said board of control, before entering upon the duties of their office, shall take an oath or affirmation, before a judge of the court of common pleas, to faithfully discharge the duties of their office. In case of death, resignation or removal from office of a member of said board of control, the fact of such vacancy shall be certified by the president of the board of control to the court of common pleas, whose duty it shall be to appoint a judicious person and tax payer, to fill such vacancy; and the person so appointed shall hold his office until the next annual election in April.

Oath of office, vacancy, &c.

SEC. 6. The board of control shall cause to be provided for its clerk a seal, in the center of which shall be the name of the county, and around the margin the words "Clerk of the board of control," which seal shall be affixed to all transcripts, orders or certificates which may be necessary or proper to authenticate under this act for all attested certificates and transcripts other than those ordered by the board of control, or the board of county commissioners; the same fees shall be paid the clerk as are allowed to county officers for similar services.

Seal, and clerk's fees.

SEC. 7. The board of control shall have final action and jurisdiction on all matters involving the expenditure of money, or the awarding of contracts, or the assessing or levying of taxes, by the said board of county commissioners; every contract shall be awarded to the lowest responsible bidder, on his giving sufficient security for his performance of the same: Provided, that the said board of control may reject all bids.

Final action and jurisdiction.

SEC. 8. No contract or release made, or liability incurred, nor appropriation or allowance, nor taxes levied or assessed by the board of county commissioners, shall be valid and binding unless a majority of all the members of said board of control present shall vote in favor thereof; and no contract or release made, or liability incurred, or appropriation or allowance made, which involves an expenditure of money to the amount one hundred dollars or more, nor taxes levied or assessed, shall be approved by said board of control, until the next meeting after such matter or things come before said board, unless a majority of all the members shall vote for the same.

Validity of contract or release.

SEC. 9. At the annual election in April, there shall be elected by the qualified electors of any county in which by this act a board of control is established, a solicitor to said board and the board of county commissioners, who shall be an attorney-at-law, and shall hold his office for two years, entering upon his term of office as soon as he is elected and said board of control is organized. He shall be the legal adviser of the said board of control and the board of county commissioners, and shall prosecute or defend all suits and actions which the board of control or board of county commissioners may direct, or to which they may be a party. He shall re-

Solicitor—his term, duties, &c.

ceive a salary of twenty-five hundred dollars per year, payable out of the county treasury on the certificate of the board of control, approved by the president and the warrant of the county auditor.

Office to be provided for board.

SEC. 10. The board of county commissioners shall provide a suitable hall or chamber in the court house of said county if practicable, in which the said board of control and county commissioners shall meet to transact their business; they also shall provide the book or books that may be necessary for the clerk to keep his record and journal.

Commissioners to report to board of control at each meeting.

SEC. 11. The board of county commissioners shall, at each and every meeting of said board of control, present to the said board a true and accurate statement of all matters and things that have come before them, which involves an expenditure of money, or the awarding of contracts, or the assessing or levying of taxes; and they shall also present to said board of control at their meetings all bids on contracts, plans and specifications, and every paper or document that in any manner should come before said board by the provisions of this act.

Commissioners not to act on matters committed to board of control.

SEC. 12. That no matter or thing with regard to which said board of control has authority under this act to take action on, shall be acted upon by any board of county commissioners, any thing in any law of this state to the contrary notwithstanding: Provided, that nothing herein contained shall affect the term of office of any appointee of the present board of county commissioners.

SEC. 13. This act shall take effect and be in force from and after the first Monday of April, A. D. 1872.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 13, 1872.

AN ACT

To amend an act entitled an act to amend an act entitled "An act to amend section seven of an act further to prescribe the duties of county commissioners," passed April 8, 1856, as amended February 26, 1857, passed May 7, 1869. [66 O. L. page 350.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seven of the above recited act be amended so as to read as follows:

County commissioners to make annual report.

Section 7. It shall be the duty of the county commissioners, annually, on or before the second Monday in September, to make a detailed report in writing to the court of common pleas of the county, of their official transactions during the year next preceding the time of making said report, giving an accurate statement of the financial affairs of the

County; and the court shall cause the same to be investigated and examined by the prosecuting attorney of the county, together with two suitable persons to be appointed by the court. To aid in their investigations, the persons so appointed with the prosecuting attorney to examine said report, shall have power, when in their opinion it [is] necessary, and the court shall so order, to subpoena witnesses to appear before them at such time and place as may be designated. Upon the filing of a præcipe with the clerk of the court of common pleas, he shall issue a subpoena, directed to the sheriff of the county, who shall serve the same and make return according to law. Such witnesses may be sworn before any officers authorized to administer oaths, and shall thereupon be compelled to answer such questions as may be put to them relative to the official transaction of the county commissioners. The clerk of the court shall certify all costs arising under these proceedings to the auditor of the county, who shall draw orders upon the county treasury for the payment of the same. In case of any violation of the law, the prosecuting attorney is hereby directed to cause the same to be prosecuted according to the nature of the case; and if any county commissioners in this state, fail or neglect to make the report required of them by this act, at the time therein required, they shall be fined in any sum not exceeding one hundred dollars; and it is hereby made the duty of the prosecuting attorney of any such county, to prosecute, in the court of common pleas, as is provided by law in similar cases, any one or all of such county commissioners, who shall neglect or refuse to publish the required statement in at least one newspaper of general circulation in said county.

Investigation thereof.

Subpoena of witnesses, &c.

Prosecution and penalty for delinquency.

SEC. 2. That [section] one of an act entitled "An act to amend section seven of an act further to prescribe the duties of county commissioners, passed April 8, 1856, as amended February 26, 1857," passed April 5, 1866, be and the same is hereby repealed.

SEC. 3. That this act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 13, 1872.

AN ACT

To amend section eleven, as amended April 13, 1865, of an act to authorize and regulate limited partnerships, passed January 24, 1846. (S. & S., 507.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section eleven of the above entitled act, as amended April 13th, 1865, be so amended as to read as follows:

Section 11. The business of the partnership shall be conducted under a firm name, in which the names of all general part-

Partnerships
—style of,
how conduct-
ed, &c.

ners shall be inserted, except that when there are more than two general partners, the name may consist of the names of either one of such partners, with the addition of the words "& Co.;" and if any special partner shall permit his name to be used he shall be deemed a general partner; and the said partnership shall put up upon some conspicuous place on the outside and in front of the building in which it has its chief place of business, some sign, on which shall be placed in legible English characters, all the names in full of all the general partners of said partnership; in default of which no action against said partnership shall abate or be dismissed by reason of the plaintiff in such action failing to prove the allegations in his pleadings as to the names and number of the members in said firm.

SEC. 2. That section one [eleven] of said original act, amended as aforesaid, be and the same is thereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 13th, 1872.

AN ACT

To amend chapter two, section (376) three hundred and seventy-six of the code of civil procedure. (S. & C., page 1052.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three hundred and seventy-six (376) of the code of civil procedure, be amended so as to read as follows:

Damages
may be as-
sessed by
court, or re-
ferred to re-
feree, master
commission-
er, or jury.

Section 376. If the taking of an account, of the proof of a fact, or the assessment of damages, be necessary to enable the court to pronounce judgment, upon a failure to answer, or having answered to a part of the cause or causes of action alleged, the court may in its discretion render judgment upon such part or parts as are not put in issue by such answer, or after a decision of an issue of law, the court may, with the assent of the party not in default, take the account, hear the proof, or assess the damages; or may, with the like assent, refer the same to a referee or master commissioner, or may direct the same to be ascertained or assessed by a jury. If a jury be ordered, it shall be on or after the day on which the action is set for trial.

SEC. 2. Section three hundred and seventy-six of the above recited act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 13, 1872.

AN ACT

To amend sections twelve (12) and thirteen (13) of an act entitled "An act to provide for locating, establishing and constructing ditches, drains and water-courses in townships, and to repeal a certain act therein named." (S. & S., pages 326 and 327.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections twelve and thirteen of the above mentioned act be amended so as to read as follows:

Section 12. As soon as an appeal shall be perfected from the decision of said township trustees, all further proceedings before them on said petition shall be stayed; but if no appeal shall be taken, as provided for in the seventh section of this act, then it shall be the duty of said trustees, upon the expiration of the time specified by them for the opening of such ditch, drain or water-course, and upon being satisfied by inspection and view that any section or sections of the same have not been completed, to sell such work by such sections to the lowest bidders, by setting up written or printed notices of such sale in at least three of the most public places in such township, specifying the time when such work shall be completed; said notices to be posted up for at least ten days before the day of sale; and said trustees shall take such bond or other security for the performance of such work as they may deem proper: Provided, that before the work of constructing such ditch shall be sold by the township trustees, said trustees shall make a fair and impartial estimate of the cost of said work, which estimate shall be entered upon the journal containing a record of their proceedings; and said work shall not be sold for any sum exceeding twenty per cent. above said estimate; and said trustees shall also make a fair and just estimate of the amount of the costs made in all such proceedings, to be paid by each person interested in such proposed ditch, drain or water-course, and collect and pay out the same in conformity with such estimates; and they are hereby authorized to bring suit before any justice of the peace for the amount so assessed against any person; and the journal containing the record of their proceedings, or a certified copy therefrom, shall be prima facie evidence of such indebtedness. No order for the opening or sale of such ditch, or any part thereof, shall be made, until the full amount of such compensation for land appropriated shall have been paid.

Effect of appeal, and further proceedings.

Estimate of cost. &c.

Section 13. Immediately after the sale of any such sections or parts of sections, as provided for in the twelfth section of this act, said trustees shall certify to the auditor of the county the amount each section sold for, adding the proportionate amount of cost and expenses of such sale, together with a correct description of each piece of land; and said auditor shall place the same on the duplicate, to be collected as other state and county taxes are collected: Provided, however, that

Levy for cost by auditor.

no such taxes shall be placed upon the duplicate, until said work be completed to the satisfaction and acceptance of said trustees, and that fact certified to the auditor by said trustees. As soon as such work shall be completed in conformity with such sale, and to the satisfaction of said trustees, said trustees shall certify the amount due to each person to the auditor of the county, and said auditor shall draw orders for the payment of such amount out of the county treasury: Provided, that any person interested may pay the amount of the purchase money and proportionate share of cost and expenses as aforesaid, to said trustees, at any time before the same are charged on the duplicate, to be paid by said trustees to the purchaser of such section or sections respectively.

SEC. 2. Original sections twelve and thirteen are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 13th, 1872.

AN ACT

To amend sections 2, 12 and 13, of an act entitled "An act to establish boards of control, and to prescribe their duties," passed March 13, 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections 2, 12 and 13, of the above recited act be amended so as to [read] as follows:

Notice of
elections to
be given by
sheriff.

Section 2. That immediately on the passage of this act, the sheriff of said county shall give public notice by proclamation throughout his county, of the first election under this act, and at all subsequent elections he shall give fifteen days notice, in the manner now required by law, of the time of holding said election, and the number of officers to be chosen; and said election shall be conducted and the returns thereof made in the manner provided by law for the election of county officers.

Action of
county com-
missioners
not valid un-
til approved
by board of
control.

Section 12. That no action of the board of county commissioners in matters or things upon which the board of control are herein authorized to act, shall be valid or binding until the same has been passed upon and approved by said board of control, any thing in any law of this state to the contrary notwithstanding: Provided, that nothing herein contained shall affect the term of office of any appointee of the present board of county commissioners.

When act to
take effect.

Section 13. This act shall take effect and be in force from and after its passage.

SEC. 2. That sections 2, 12 and 13, of the said original act be and they are hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 21, 1872.

AN ACT

To amend sections 428, 429, 432 and 433 of an act entitled an act to provide for the organization and government of municipal corporations, passed May 7, 1869. (O. L., vol. 66, p. 220, 221.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections 428, 429, 432 and 433 of an act entitled an act for the organization and government of municipal corporations, be amended so as to read as follows:

Section 428. The council of any city or incorporated village may provide for lighting any bridge or railway, or any portion of such bridge or railway located in whole or in part in such corporation, owned, possessed or operated by any individual company, association or corporation.

Provision for lighting bridge or railway.

Section 429. Whenever it shall be deemed necessary by the council of any city or incorporated village to have such bridge or railway lighted, the council shall pass an ordinance for that purpose, requiring the individual company, association or corporation owning, possessing or operating the same, to light such bridge or railway within a specified time.

Council shall pass ordinance therefor.

Section 432. Should such person or persons, company or corporation, owning, possessing or operating such railway or bridge, neglect, or fail to do such lighting in conformity with the provisions of such ordinance for twenty days after notice as aforesaid, the council may immediately proceed to cause such lighting to be done at the expense of such person or persons, company or corporation.

Procedure on failure to light bridge or railway.

Section 433. The council may direct the manner in which the expense of such lighting shall be assessed and collected, and when assessed, the amount shall be a debt due against and payable by such person, persons, company or corporation, and shall be a lien to be enforced as any other lien on such bridge and the land on which the same is built, or upon the real estate of the railway company or leasehold interest situate or being within the county wherein such city or incorporated village is located.

Assessment for expense of such lighting, &c.

SEC. 2. That said original sections 428, 429, 432 and 433, be and are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 23, 1872.

AN ACT

In addition to the acts authorizing the building of the Central Ohio Lunatic Asylum.

Erection of
rear central
wing author-
ized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of completing the appointments and accommodations of the Central Ohio Lunatic Asylum, now in process of construction at "Glenwood," made necessary by change of location to the present site, and that the work herein provided for may be carried forward in conjunction with the erection of the main building, the trustees of said institution are hereby authorized to proceed in the erection of the rear central wing for steam power, heating and ventilating apparatus, and for machinery, chapel and domestic purposes for said institution, with all necessary drains, sewers, or other conveniences; and that, in the discharge of their duties herein, the said trustees shall be governed by the provisions of the act entitled "An act prescribing the duties of directors, trustees, commissioners, or other officer or officers, to whom is confided the duty of devising and superintending the erection, alteration, addition to, or improvement of, any state institution, asylum or other improvement," passed April 3^d, 1868: Provided, that said trustees shall have the power to let the contract for the building of the said rear central wing as a whole or in part, to the several trades, as shall be most conducive to the interests of the state; and it is further provided, that no money heretofore or hereafter appropriated for the Central Ohio Lunatic Asylum shall be paid out for any other purpose than for the payment of supervision of instruction, and on contract upon estimates certified to by the proper officer.

Proviso.

SEC. 2. The entire cost of the said rear central wing shall not exceed the sum of one hundred and fifty thousand dollars.

SEC. 3. This act shall be in force on and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,

President of the Senate.

Passed March 25, 1872.

AN ACT

To prevent accidents by Railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any railroad in this state using steam locomotive engine for the transportation of passengers and freight, shall be required to have attached to each and every such engine passing upon the road, a bell of the ordinary size now in use on locomotive engines, and a steam whistle; and it is hereby made the duty of the engineer, or person in charge of any engine when in motion and approaching any turnpike, highway or town road crossing upon the same level therewith, and in like manner when the road crosses any other traveled place by bridge or otherwise, to sound such whistle at a distance of at least eighty and no farther than one hundred rods from the place of such crossing, and ring such bell continuously until the engine and cars attached thereto shall have passed such road crossing or crossings: Provided, however, that nothing herein shall interfere with the proper observance of any ordinance passed by any city in this state, regulating the management of railroad locomotives and steam whistles thereon, within the limits of such city.

Whistle must be sounded near each crossing of roads, etc.

SEC. 2. That every engineer, or person in charge of any such engine, who shall fail to comply with the provisions of the first section of this act, shall be personally liable therefor to a penalty of not less than fifty dollars, nor more than one hundred dollars, to be recovered by civil action, at the suit of the state of Ohio, in the court of common pleas of any county where any such crossing exists; and the company in whose employ such engineer, or person in charge of an engine, may be, as well as the person himself, shall be liable in damages to any person or company who may be injured in person or property by the neglect or act of said engineer or person in charge of an engine as aforesaid; and such engineer or person in charge of an engine shall also, in case any person be killed by reason of his neglect or failure to comply with the provisions of the section aforesaid, or in case any person sustain bodily injury, not affecting life by reason thereof, then such engineer or person in charge of an engine, as aforesaid, shall be considered guilty of a misdemeanor, and shall, on conviction thereof in the proper court of the county where such bodily injury occurred, be imprisoned in the jail of the county not less than one nor more than twenty months, or be fined in any sum not more than five hundred dollars, or both, at the discretion of the court.

Penalty for failure to comply with said requirement.

SEC. 3. All fines or penalties collected under the provisions of this act shall be appropriated for the benefit of the common school fund of the state.

Fines, how appropriated.

SEC. 4. This act shall take effect from and after its passage: Provided, that nothing herein shall be construed as re-

pealing or in any wise modifying any law heretofore in force in this state, or as in any case changing the penalty for any violation thereof.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

To provide for the government of County Infirmaries, and for the addition to or alteration of infirmary buildings, in certain cases.

Powers
vested in
directors of
infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any county infirmary building or buildings shall have been completed in any county of this state, having a population of two hundred thousand inhabitants, or more, the furnishing of such infirmary, and the improvements of the grounds therewith connected, the alteration of and addition to any such building or buildings, and the care and treatment of all who may become inmates thereof, shall be vested absolutely in the directors of the infirmary for such county, who may make all contracts and purchases as may be necessary for such infirmary, and may prescribe such rules and regulations as they may deem proper for the management and good government of the same.

Plans and
bills of ex-
pense for im-
provements
to be made.

SEC. 2. That when, in the opinion of the directors of such county infirmary, it becomes necessary to make any addition to or alteration of any such infirmary building or buildings for the better accommodation of the inmates thereof, the said directors, in case the estimated cost of such improvement shall exceed the sum of one thousand dollars, shall first make, or cause to be made, a full, complete and accurate plan or plans of such proposed addition to or alteration of such building or buildings, showing all the necessary details of the work, together with working plans suitable for the use of the mechanics or other builders during the construction thereof; and also accurate bills, showing the exact amount of all the different kinds of materials to be used in such improvement, to accompany said plan or plans; and also full and complete specifications of the work to be done, and giving such directions for the same as will enable any competent builder to carry them out; and shall further make or cause to be made a full, accurate, and complete estimate of each item of expense, and the entire cost of such addition to or alteration of any such infirmary building or buildings when completed.

To be
submitted to
county com-
missioners
and board of
control.

SEC. 3. That before any contract is entered into by said directors of the county infirmary, such plans, drawings, representations, bills of materials, and specifications of work, and estimate of the cost thereof in detail and in the aggregate, as is required to be made in the second section of this

act, shall be submitted to the commissioners and board of control of the county where such infirmary may be located, for their approval; and if approved by such board of commissioners and board of control, a copy thereof shall be deposited in the office of the auditor for such county, and by him safely kept for the use and inspection of all parties interested.

SEC. 4. That after such plans, drawings, representations, bills of material, specifications and estimates, as herein required, are made by the said directors of the county infirmary and approved by the commissioners and board of control of such county, it shall be and is hereby made the duty of the county auditor to give public notice in any newspaper of general circulation in such county, of the time and place when and where sealed proposals will be received for performing the labor and furnishing the materials necessary for the addition to or alteration of any such infirmary building or buildings, and when and where a contract or contracts, based on such sealed proposals, will be made; which notice shall be published weekly, at least four consecutive weeks next preceding the day named for the making of such contract or contracts, and shall state when and where such plan or plans, drawings, representations and specifications can be seen, and which shall be open to public inspection at all reasonable hours between the date of such notice and the making of such contract or contracts.

Notice of proposals to be published by county auditor.

SEC. 5. That it shall be lawful for the said directors of the county infirmary, if for any cause they fail to make the contract or contracts as herein provided for, on the day named in the notice as in this act required, to continue from day to day until such contract or contracts be made: Provided, that such contract or contracts shall be awarded to and made with the person or persons who shall offer to perform this labor and furnish the materials at the lowest price, and give good and sufficient bond to the acceptance of the directors of such infirmary for the performance of the contract or contracts according to the plan or plans, drawings, representations and specifications, as in the second section of this act required, which plan or plans, drawings, representations and specifications shall be and are hereby made a part of such contract or contracts; and provided further, that such contract or contracts shall not be binding upon any such directors of the county infirmary until first submitted to the prosecuting attorney of such county, and by him found to be in accordance with the provisions of this act, and his certificate to that effect endorsed thereon; and provided further, that no contract or contracts shall be made for any such addition to or alteration of any such infirmary building or buildings, or for the labor or materials therefor, at a price in excess of the estimate in this act required to be made.

Contracts, how made, &c.

SEC. 6. That it shall be the duty of the county auditor, when an accurate and detailed estimate of the various kinds of labor performed and materials furnished under such contract or contracts, signed by the directors of such infirmary, with the amount due for each kind of labor and material,

Orders to be drawn by county auditor, &c

Five per
cent. to be
retained.

and the amount due in the aggregate, is furnished him, to give to the person or persons entitled thereto an order on the county treasurer, who shall pay all orders drawn under the provisions of this act, for the amount or amounts by each estimate or estimates shown to be due, less the amount of five per centum thereon, which shall be retained as additional security for the faithful performance of such contract or contracts, until a final estimate has been made by the directors of such infirmary that all the materials have been furnished and all the labor performed to their acceptance; and when such final estimate is furnished, the county auditor shall include in his final order or orders on the county treasurer in favor of the person or persons to whom such final estimate or estimates shall be due, the percentage retained on former estimates as herein required.

Tax levy for
deficiency.

SEC. 7. That in case of any deficiency in the fund now authorized to be levied for infirmary purposes in any such county, the county commissioners are hereby authorized and directed to levy a tax to carry out the provisions of this act, which shall be collected as other taxes, not to exceed in any one year two-tenths of one mill on the dollar of the valuation of all the taxable property within said county, exclusive of any city therein which may have or maintain an infirmary separate from such county infirmary.

SEC. 8. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

To sell land ceded to the State by the United States, by act of Congress, approved February 19th, 1871.

Acceptance
of act of Con-
gress.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That, the unsurveyed and unsold land ceded to the State of Ohio by a certain act of the Congress of the United States, approved February 19th, 1871, situate and being in the Virginia Military District, between the Great Scioto and the Little Miami Rivers, in said state, be, and the same are hereby accepted by the State of Ohio, subject to the provisions of said act.

Title of lands
vested in
trustees of
agricultural
college. Sur-
vey, &c.

SEC. 2. The title to said lands is hereby vested in the trustees of the Ohio Agricultural and Mechanical College, for the benefit of said college, and said trustees are hereby required to cause a complete survey of said lands to be immediately made, and a correct plat thereof to be returned to said trustees, and to ascertain and set off, by accurate boundaries, to each occupant who was in actual possession

of, and living upon any of said lands at the time of the passage of said act of Congress, as provided therein, or their heirs or assigns, a tract not exceeding one hundred and twenty five acres; and upon the payment by the claimant, of the cost of surveying and making the deed, the said trustees shall cause a deed for said tract to be executed and delivered to the claimant, as hereafter provided.

SEC. 3. All the unsurveyed and unsold lands in said district, not so occupied, shall, without unnecessary delay, be sold at public sale, the trustees giving notice of the times, places, terms and conditions of the sale, and a general description of the lands to be sold, by publication in some newspaper printed and of general circulation in the county where in such lands lie, at least four weeks prior to such sale; and said lands shall be sold in tracts not exceeding one hundred and sixty acres each: Provided, that no trustee of said college, agent or officer thereof, or agent or attorney of said trustees, nor shall any of such trustees at any time purchase any of such land from any purchaser or purchasers thereof, or from his or their assigns, shall be a purchaser of any of said lands at such sale, and not more than one tract shall be sold to the same person.

Lands to be sold at public sale.

Proviso.

SEC. 4. All lands sold at such public sale, shall be sold upon the terms of one-third of the purchase money in hand, one third in one year, and balance in two years, with interest on the aforesaid payments from the day of sale; and the deferred installments shall be secured by the notes of the purchaser, and mortgage on the premises. All lands sold under the provisions of this act, shall be conveyed to the purchaser, by deed of said trustees, under the seal of said college, and signed by the president and secretary of the board of trustees; and the proceeds of the sales, after payment out of the same of all necessary expenses of survey and sale, shall be paid into the irreducible fund of said college, in the treasury of the state, and made a part of the irreducible debt of the state; and said trustees shall annually report to the governor a detailed statement of receipts and disbursements in this behalf.

Terms of sale.

Conveyance to purchaser, and investment of proceeds of sale.

SEC. 5. The appraisers under this act, shall each be allowed one dollar and fifty cents a day for his services, to be paid one half by the person desiring such appraisement, and the other half by said trustees.

Allowance to appraisers.

SEC. 6. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 26, 1872.

AN ACT

To amend section one of an act entitled "An act supplementary to an act entitled an act for opening and regulating roads and highways, passed and took effect March 12, 1861. (S. & S., 690.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one (1) of the above recited act be so amended as to read as follows:

Appointment
of viewers
and review-
ers to fill va-
cancies.

Section 1. That in case any person appointed as viewer or reviewer on any road by the commissioners or probate judge of the county, shall fail to attend at the place specified in the order at or before two o'clock P. M. of the day in said order specified, it shall be the duty of the surveyor and two viewers to fill the vacancy by appointing a judicious disinterested freeholder of the county, and in case of a review, when five viewers are required, the surveyor and not less than three of the viewers may fill the vacancy by the appointment of judicious freeholders, or freeholders of the county, to fill the vacancy or vacancies, who shall be required to take the same oath, and be vested with the same power to do and perform the same duties as if he or they had been appointed by the commissioners or probate judge of the county.

SEC. 2. The above recited act, passed March 12, 1861, is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES.

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 26, 1872.

AN ACT

To encourage the organization of Fire Companies.

Members of
fire compan-
ies exempt
from military
duty, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person who is, or may hereafter become an acting member of any fire engine, hook and ladder, or hose company, for the extinguishment of fire, or the protection of property against fire, now existing and under the control of the corporate authorities of any city or incorporated village of this state, or of any such company as may hereafter be organized under and subject to the authorities of any city or village as aforesaid, shall, during the time he shall continue an acting member of such company, be exempt from the performance of military duty in time of peace, from service upon juries, and from the performance of labor upon the highways. And any person who shall have been an acting member of any such company in any city or village as aforesaid, and shall have faithfully discharged his duties

Exemption of
ex-members.

as such for the term of five consecutive years, shall be for five years thereafter exempted from the performance of military duty in time of peace,, and from the performance of labor on the highways: Provided, that the number of persons of such engine company shall not exceed sixty-four, and of such hook and ladder company thirty, and of such hose company twenty; and provided further, that no person who is receiving pay for his services in any such company shall be entitled to receive the benefits of the exemptions of this act.

Limitation.

SEC. 2. The act entitled "An act to encourage the organization of fire companies," passed May 11, 1861, (S. & S., 374.) is hereby repealed.

SEC. 3. This act shall take effect from its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 26, 1872.

AN ACT

To amend section fourteen of an act entitled "An act concerning the relation of guardian and ward," passed April 12, 1858, as amended by an act entitled "An act to amend section fourteen of an act entitled an act concerning the relation of guardian and ward, passed April 12, 1858," passed March 31, 1864. (S. & S., p. 381-2.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fourteen of the act first above named, as amended by the act second above named, be so amended as to read as follows:

Section 14. The following shall be the duties of every guardian of any minor who may be appointed to have the custody and take charge of the estate of such minor, to-wit:

Duties of
guardians of
minors.

First—To make out and file within three months after his appointment, a full inventory, verified by oath, of the real and personal estate of his ward, with the value of the same, and the value of the yearly rent of the real estate; and failing so to do for thirty days after he shall have been notified of the expiration of the time by the probate judge, said probate judge shall remove him, and appoint a successor.

Second—To manage the estate for the best interests of his ward.

Third—To render on oath to the proper court an account of the receipts and expenditures of such guardian, verified by vouchers or proof, once in every two years, or oftener, upon the order of the court, made upon motion of any person interested in said ward or the property of such ward, for good cause shown by affidavit, and failing so to do for thirty days after he shall have been notified of the expiration of the time

by the probate judge, he shall receive no allowance for services, unless the court shall enter upon its journal that such delay was necessary and reasonable: Provided, that in all cases where the whole estate of said ward, or of several wards jointly, under the same appointment of guardianship, shall not exceed two hundred dollars in value, said guardian shall only be required to render such account upon the termination of said guardianship, or upon the order of said court, made upon its own motion or the motion of some person interested in said ward or wards, or in his, her or their property, for good cause shown, and set forth upon the journal of said court.

Fourth—At the expiration of his trust, fully to account for and pay over to the proper person all of the estate of his ward remaining in his hands.

Fifth—To pay all just debts due from such ward, out of the estate in his hands, and collect all debts due such ward, and in case of doubtful debts to compound the same, and appear for and defend, or cause to be defended all suits against such ward.

Sixth—When any ward has no father or mother, or having a father or mother, and such parent is unable or fails to educate such ward, it shall be the duty of his guardian to provide for him such education as the amount of his estate may justify.

Seventh—To loan or invest the money of his ward in a reasonable time after he receives it, and the payment of the money loaned or invested shall be secured by a mortgage on real estate of double the value of the money loaned exclusive of buildings or other improvements, timber and minerals in or upon such real estate, or upon the purchase or pledge of the certificates of the funded debt of this state, or the bonds or certificates of the funded debt of the United States: Provided, that said guardian shall in all cases be held to account for all premiums realized upon coin received by him, as interest or otherwise. And if said guardian fail to loan or invest the money of his ward within such reasonable time, he shall account on settlement for such money and interest thereon, calculated with annual rests.

Eighth—To obey and perform all the orders and judgments of the proper courts touching the guardianship.

SEC. 2. That said section fourteen, as amended by "an act to amend section fourteen of an act entitled 'An act concerning the relation of guardian and ward,'" passed March 31, 1864, be and the same is hereby repealed.

SEC. 3. This act shall be in force and take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 26, 1872.

AN ACT

Making appropriations for the payment of interest and principal of the State Debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That there is hereby appropriated from any money in the treasury, by transfer or otherwise, and that may come into the treasury belonging to the sinking fund, as follows :

To pay the interest on the funded debt of the state, four hundred and sixty thousand dollars. Interest of funded debt.

To pay the interest on the irreducible debt or trust funds held by the state, one hundred and seventy thousand dollars. Irreducible debt.

To pay the principal of the funded debt of the state as required by the constitution, together with such sums in addition as may come into the treasury applicable to the purpose, the sum of three hundred and twenty thousand seven hundred and fourteen dollars. Principal of funded debt.

To pay the expense of the office of the commissioners of the sinking fund, including salary of clerk, two thousand dollars. Expenses.

SEC. 2. This act shall take effect on and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 26, 1872.

AN ACT

To change the time for holding the terms of the district court in the ninth judicial district, and the county of Coshocton, for the year 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the times for holding the terms of the district court for the year 1872, as fixed by the judges of the ninth judicial district be changed, and that the said terms be held as follows, in said district: In the county of Trumbull, on the 15th day of April, 1872; in the county of Portage, on the 22d day of April, 1872; in the county of Lake on the 25th day of April, 1872; in the county of Geauga, on the 27th day of April, 1872; in the county of Ashtabula, on the 30th day of April, 1872; in the county of Carroll, on the 19th day of August, 1872; in the county of Stark, on the 22d day of August, 1872; in the county of Columbiana, on the 27th day of August, 1872; and in the county of Mahoning, on the 2d day of September, 1872. Time of holding district courts in ninth district.

SEC. 2. That the time for the holding of the district court within and for the county of Coshocton, as fixed for the year 1872, by the judges of the sixth judicial district, be and the same is hereby changed from the 27th day of May, Time of holding district court in Coshocton county.

to the 12th day of July, 1872, on which last named day the term of said court for said Coshocton county shall begin.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 29, 1872.

AN ACT

Supplementary to the act entitled an act to preserve the purity of elections, passed March 20, 1841, and to repeal section fifty-three of an act entitled an act to regulate the elections of state and county officers, passed May 3, 1852.

Ballot boxes must not be removed from place of voting until votes are counted.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That at any election held in pursuance of law within this state, when the counting of votes shall commence as prescribed in section twelve of an act entitled an act to regulate the election of state and county officers, passed May 3, 1852, it shall be unlawful for the judges thereof to postpone the counting of the votes cast at such election, or to adjourn for any time or to any place, or to remove the ballot box from the place of voting, or from the custody or presence of all the judges of such election.

Penalty for offense against this act.

SEC. 2. That the judges of any election held in pursuance of law in this state, who shall offend against the provisions of this act, shall be deemed guilty of misdemeanor, and on conviction thereof before the court of common pleas of the proper county, shall be fined in any sum not exceeding one thousand dollars, nor less than one hundred dollars, and imprisoned in the county jail not exceeding ten days.

SEC. 3. That section fifty-three of an act entitled an act to regulate the election of state and county officers, passed May 3, 1852, be and the same is hereby repealed.

SEC. 4. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 29, 1872.

AN ACT

To amend sections 539 and 583 of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869. [O. L. vol. 66, page 248.] [O. L. vol. 67, p. 80.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections five hundred and thirty-nine (539), as amended April 18, 1870, and five hundred and eighty-three (583) of the municipal code, passed May 7, 1869, be amended so as to read as follows:

Section 539. For the payment of the costs of the following improvements, including the necessary real estate, the council shall levy and assess a tax upon the general duplicate of all the real and personal property subject to taxation within the limits of the corporation, which levy and assessment shall be by the clerk of the corporation, certified to the auditor of the county, and by the auditor charged in the duplicate against such taxable property, and collected as other taxes; that is to say, for public halls and necessary offices, for structures for the fire department, for water works, market houses and spaces, cemeteries, parks, infirmaries, hospitals, gas works, prisons, houses of refuge and correction, work houses, public privies and urinals, and land appropriated for rights of way, wharves and landings on navigable waters, levees and embankments: Provided, that where the council of any municipal corporation shall appropriate any lots or lands for the purpose of laying off, opening, extending, straightening or widening any street, alley or public highway, it shall have power to assess the costs and expense of such appropriation and improvement upon the lots or lands benefited thereby, including lots and lands that are contiguous and adjacent, as well as those that abut upon said street, alley or highway, or upon the general duplicate of all the real and personal property subject to taxation within the limits of the corporation, as provided in section 583 as herein amended; that when said council shall determine to make such assessment upon the lots and lands benefited by said improvement, they shall levy said assessment upon all the lots and lands benefited, either in proportion to the foot front of said lots and lands, or according to their valuation for taxes on the general duplicate.

Levy of tax
for improve-
ments.

Assessment
on contigu-
ous and adja-
cent lots, &c.

Section 583. Whenever it shall be deemed necessary by the council of any municipal corporation, to open, extend, straighten or widen any street, alley or public highway within the limits of such corporation, the council of such corporation shall provide by ordinance for the same, and such ordinance shall briefly and in general terms describe the property sought to be appropriated for the purposes aforesaid. The proceeding for such appropriation shall be as in such cases provided for in an act to provide for the organization of cities and incorporated villages, passed May 7, 1869, and as amended April 8, 1870, to which this act is amendatory. The

Improve-
ments, &c.,
provided for
by ordinance.

Assessment
for costs.

assessments made for the purpose of paying the cost and expense of opening, widening or straightening such street, alley or highway, shall be made and approved in accordance with the provisions of section 543 of the act of which this is amendatory, as amended May 2, 1871, and of sections 584, 585, 586, 587, 588 and 589, of the act to which this is amendatory, and may be made payable in one or more installments, as provided in section 577 of said act.

SEC. 2. That sections five hundred and thirty-nine and five hundred and eighty-three above mentioned, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 29, 1872.

AN ACT

To cure certain defects and informalities in incorporating associations under act to provide for the organization of Homestead Building Associations, passed May 9, 1868.

Amended
certificate of
association
authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any association of persons in this state, not less than five in number, have in good faith attempted to organize themselves into an incorporated company under the law authorizing and governing building associations, and have in like good faith commenced and carried on business as a building association, and filed with the secretary of state a certificate of their attempted organization, which certificate is not acknowledged or certified to as required by law, or is in other respects informal, it shall be lawful for any number of the members of said association, not less than five, to make out an amended certificate in the form required by the statute [statute] for the organization of building associations, reciting therein the date of their attempted organization and their desire to have the benefit of this act, which certificate shall in all respects be signed, sealed, acknowledged and certified to as required by the statute [statute] aforesaid, and filed with the secretary of state and recorded in the office of the county recorder as required by law. And on the filing with the secretary of state, of such amended certificate, it shall relate back to the date of the filing of the informal certificate, and shall cure the defects and informalities therein; and a certified copy of such amended certificate shall be received as evidence of the in-

corporation of such association from the date of the filing of the original certificate.

SEC. 2. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 30, 1872.

AN ACT

To authorize county commissioners to cause bridges to be constructed on certain public highways in incorporated villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of the several counties in this state shall be authorized and required to cause to be constructed and kept in repair, in the manner prescribed by law, all necessary bridges in incorporated villages and all cities not having the right to demand and receive any portion of the bridge fund levied upon property within such cities in their respective counties, on all state and county roads, free turnpikes, improved roads, transferred and abandoned turnpikes and plankroads, which are of general and public utility, running into or through any such incorporated village or city.

Duty of county commissioners relative to bridges.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 30, 1872.

AN ACT

To authorize committees of the General Assembly to compel the attendance of witnesses, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the chairman of any standing or special committee appointed by the authority of the general assembly of Ohio, or of either branch thereof, and authorized thereby to send for persons and papers, and the chairman of any sub-committee, appointed by any such standing or special committee, so authorized, shall have authority to subpoena witnesses in any part of the state, to be and appear before any such committee, or sub-committee, at such time and place as may be designated, to testify touching matters

Chairman of committee has authority to subpoena witnesses.

of inquiry committed to the same, and to cause the production of books, records and papers by such witness.

Form of subpoena, and how served.

SEC. 2. That every such subpoena shall be directed to the sergeant-at-arms of the proper branch of the general assembly, or to the sheriff of the county wherein such witnesses may be, and by him served and returned to the chairman issuing the same, as subpoenas issued by courts of record, and shall be in the following form:

"By authority of the (insert general assembly, the senate, or the house of representatives, as the case may be,) of Ohio: To the sergeant-at-arms of the _____, or the sheriff of the county of _____ (as the case may be): You are hereby commanded to summon _____ of _____, to be and appear before the _____ committee of the _____, at _____, on the day of _____, A. D. _____, at the hour of _____, then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

"Witness my hand, this _____ day of _____, A. D. _____,
"_____, Chairman."

Penalty for refusal to appear and testify.

SEC. 3. That if any person so summoned as a witness, shall willfully make default and fail to appear in obedience to such subpoena, or appearing, shall refuse to answer any question pertinent to the matter of inquiry, he shall, in addition to the pains and penalties for acting in contempt of the authority of either house (to all which he shall continue to be liable within the limits established by parliamentary usage), be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars, and be imprisoned in the county jail of the proper county not less than ten nor more than ninety days, at the discretion of the court. And it shall be the duty of the chairman of the committee or sub-committee, before which such witness shall make default, or refusal, as aforesaid, on order of the committee, or sub-committee, to certify the fact of such default, or refusal, to the prosecuting attorney of the proper county, with the names of the witnesses knowing to such fact; and it shall be the duty of such prosecuting attorney to cause such witness to be prosecuted for such offense: Provided, such chairman, on order as aforesaid, may also issue a warrant for the arrest and conveyance of such witness before the proper house, to answer as for contempt of the authority thereof. And it shall be the duty of the sergeant-at-arms, or any sheriff to whom such warrant shall be directed, forthwith to execute the same.

Default to be certified to prosecuting attorney, &c.

Fees under this act.

SEC. 4. That sheriffs and witnesses shall be entitled to the same fees and mileage, to be paid out of the state treasury on the certificate of any such chairman, and the warrant of the auditor of state, for service and attendance under this act, as are allowed by law in courts of common pleas for similar services and attendance.

Effect of testimony on witness.

SEC. 5. That the testimony of any witness examined and testifying before any such committee, or sub-committee, shall not be used as evidence in any criminal proceeding as against

him : Provided, however, that no official paper or record shall be included within the privilege of said evidence, so as to protect such witness from any criminal proceeding. And no witness shall be allowed to refuse to testify to any fact, or to produce any paper touching which he shall be so examined, for the reason that his testimony, or the production of such paper, may tend to disgrace him.

SEC. 6. That this act shall take effect on its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 3, 1872.

AN ACT

To amend an act to provide for the incorporation of certain colleges therein described.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections one and two of an act to provide for the incorporation of certain colleges therein described, passed May 7, 1869, (Laws of Ohio, 1869, Vol. 66, pages 347 and 348,) be amended so as to read as follows :

Section 1. That the trustees of any college, seminary or other institution of learning, by whatever name the same may be known, heretofore incorporated by special enactment, the capital stock of which is not divided into shares, may cause such college, seminary or other institution of learning to be re-incorporated with perpetual succession as hereinafter provided, whether such special act of incorporation be for a limited time or otherwise.

When colleges, &c., may be re-incorporated

Section 2. That the trustees of any such college, seminary or other institution of learning, by a resolution entered upon their minutes at a regular meeting, or at a special meeting convened for that purpose, may accept the provisions of this act ; a copy of which resolution certified by the president and secretary of the board of trustees, and authenticated by the corporate seal, if there be one, shall be deposited and recorded in the office of the secretary of state. And thereupon said college, seminary or institution of learning shall become and henceforth remain a corporation by such name and at such place as the trustees in their resolution may select, or as may have been heretofore selected.

Resolution for re-incorporation to be deposited with Secretary of State, &c.

SEC. 2. That original sections one and two of which this act is amendatory, are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 3, 1872.

AN ACT

To authorize the common council of cities of the first class, having a population over of two hundred thousand inhabitants, to issue bonds for water works.

Issue of
bonds auth-
orized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the common council of any city of the first class, having a population of over two hundred thousand inhabitants, and wherein water-works have been constructed, for the purpose of completing reservoirs now being constructed, are hereby authorized, upon the application of the board of trustees of such water-works, to issue the bonds of the city for any sum, not exceeding three hundred thousand dollars, bearing a rate of interest not to exceed seven per cent. per annum, at such dates and for such lengths of time as they may deem expedient, the same to be sold at not less than par, their sale to be under the direction of said trustees, and the proceeds thereof to be applied exclusively to the above named purposes.

Sinking fund
created.

SEC. 2. That the board of trustees of the water-works of said cities shall under the direction of the common council, create a sinking fund by appropriating a certain per centage of its income from the water rates to meet the payment of the interest and principal of said bonds.

Sale of bonds
be to adver-
tised, &c.

SEC. 3. Whenever any of the bonds herein provided for shall be for sale, not less than ten days previous notice of said sale shall be advertised in Cincinnati; said advertisement to be published daily until the day of sale. The advertisement shall specify that sealed bids will be received at a place and until a day and hour designated; the bids shall then be opened and read, in the presence of the bidders present, and the bonds shall be sold to the highest bidders, the city, however, reserving the right to reject all bids.

SEC. 4. This act shall take effect on and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 4, 1872.

AN ACT

To amend sections sixty-one and sixty-two of an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869, and amended April 20, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That sections sixty-one (61) and sixty-two (62) of the act entitled "An act to provide for the organization and government of municipal corporations," be amended so as to read as follows:

Section 61. The officers of cities of the first class shall

consist of a mayor, solicitor, treasurer, street commissioner, police judge, prosecuting attorney of the police court, clerk of the police court, all of whom shall be elected; and a fire engineer, superintendent of the markets and chief of police, to be appointed by the mayor, with the assent of the council, and a clerk, civil engineer and auditor to be elected by the council; and the council shall have power to provide by ordinance, for the appointment by the mayor, of as many lieutenants of police as may be deemed necessary: Provided, that in cities of the first and second class having a population of less than fifty thousand, embracing a county seat, no election for city treasurer shall be held, but the county treasurer shall in such cases act as city treasurer, at a rate of compensation not exceeding five hundred dollars per annum; and, provided further, that all city treasurers now in office shall remain in office, and discharge the duties thereof until the expiration of the terms for which they respectively may have been elected; and, provided further, that in cities having a population exceeding one hundred and eighty thousand inhabitants, the common council shall have power to elect or provide by ordinance for the appointment of a fire engineer, to be known as the chief engineer of the fire department, and such assistant engineers, firemen and other employes as may be deemed necessary for the efficiency and good government of the department; the term of office of said chief and assistant engineers shall be two years, and until their successors shall be chosen and qualified.

Officers to be elected and appointed in cities of the first class.

Exceptions as to treasurers.

As to engineers.

Section 62. All officers who are elected shall serve for two years, except in cities of the first class the civil engineer and city auditor shall serve for three years. All officers who are appointed shall serve for one year. All of said officers shall serve until their successors are elected, or appointed, and qualified.

Terms of office.

SEC. 2. That section sixty-one (61) of the act entitled "An act to provide for the organization and government of municipal corporations," passed May 7th, 1869, as amended April 2d, 1870, April 18th, 1870, and April 20th, 1871, and section sixty-two of the above recited act, passed May 7th, 1869, be and the same are hereby repealed.

Repeal.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 4, 1872.

AN ACT

To authorize the commissioners of certain counties to levy a tax to build court houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of any county

Tax to build
court houses
in certain
counties au-
thorized.

in this state having, by the last federal census, a population exceeding forty-one thousand inhabitants, and not exceeding forty-six thousand, be and they are hereby authorized and empowered to levy a tax not exceeding one mill on the dollar in any one year, and not exceeding eight mills on the dollar in whole, for the purpose of building a court house in such county.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 10, 1872.

AN ACT

To amend section twenty of an act for the incorporation and regulation of life insurance companies, passed April 16, 1867. (S. & S., 218.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section twenty of the above mentioned act be so amended as to read as follows:

Attorney or
agent to be
appointed, on
whom process
may be
served, etc.

Section 20. Such company shall also appoint an attorney or agent in each county in this state, in which the company has established an agency, on whom process of law can be served; and such agent or attorney shall file with the auditor of state a certified copy of the charter of said company, and also a certified copy of the vote or resolution of the trustees or directors of the said company appointing such agent or attorney, which appointment shall continue until another such agent or attorney be substituted. And in case any such insurance corporation shall cease to transact business in this state according to the laws thereof, the agents last designated or acting as such for such corporation, shall be deemed to continue agents for such corporation, for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this state; and service of such process for the causes aforesaid, upon any such agent, shall be deemed a valid personal service upon such corporation. And said company shall file a statement of its condition and affairs in the office of the superintendent of insurance in the same form and manner required for the annual statements of similar companies organized under the laws of this state; and said company shall also file with said superintendent a written statement, duly signed and sealed, waiving all right to transfer or remove any cause then or thereafter pending in any of the courts of this state, wherein said company is or may be a party to any of the courts of the United States.

Service on
agent last
designated.

Statement of
condition,
etc., to be
filed.

SEC. 2. That section twenty of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

To prevent the unlawful cutting of timber, etc., and to repeal an act entitled an act for the punishment of certain offenses therein named, passed and took effect April 11, 1862. (S. & S., 282.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one of the above recited act be so amended as to read as follows:

Section 1. That if any person or persons shall unlawfully saw, bore or cut down any timber, tree or trees of whatever size, or any poles, commonly called hoop-poles, standing or or growing upon the lands of another person, or lands of the state of Ohio, or shall unlawfully take, carry or haul away from the lands of another person, or lands of the state of Ohio, any timber, saw logs, rails, rail-cuts, tan-bark, hoop-poles, or shall unlawfully dig up, pluck off or carry away from the lands of another person, any cultivated root or roots, plant or plants, fruit, or any other vegetable production or productions, with intent in each or any of the above recited cases to injure the owner of said lands in his property or to defraud him or them, if the value of the property severed or taken away from the lands, as aforesaid, shall be less than thirty-five dollars, the party offending shall be punished according to the provisions of the second section of this act; but if the value of the property severed or taken from the lands of another, or of the state, as aforesaid, shall be of the value of thirty-five dollars or more, he or they shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not more than three years nor less than one year, and shall pay the costs of prosecution.

Trespass upon certain property of the state or individuals.

Felony and its penalty.

SEC. 2. That if any person or persons shall be convicted of either or any of the offenses mentioned in the first section of this act, and the value of the property severed, or in any manner taken from lands in violation of the provisions of the first section of this act, shall be less than thirty-five dollars, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than twice the value of the property severed or carried away from lands as

Misdemeanor and the penalty.

aforesaid, or imprisoned in the jail of the county not exceeding twenty days, or both, at the discretion of the court, and pay the costs of prosecution.

Penalty for
buying or re-
ceiving prop-
erty unlaw-
fully taken.

SEC. 3. That if any person or persons shall buy or receive any of the property mentioned in the first section of this act, or any lumber, timber, bark, rails or hoops made or taken therefrom, knowing that the same had been severed or taken from the lands of another, or from the lands of the state, in violation of the provisions of the first section of this act, and with intent to defraud the owner of such property, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than twice the value of the property bought or received as aforesaid, or imprisoned in the jail of the county not exceeding twenty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Penalty for
sawing tim-
ber unlaw-
fully taken.

SEC. 4. That if any person or persons owning a saw mill, or having charge or control thereof, or who may be working in, or running a saw mill, shall saw in said mill, or knowingly permit to be sawed in said mill, any timber or logs, with intent thereby to injure or defraud the owner or owners of said property, and knowing that said timber or logs had been severed or taken from the lands of another, or from the lands of the state of Ohio, in violation of the provisions of the first section of this act, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than twice the value of the lumber or timber sawed, as aforesaid, or imprisoned in the jail of the county not exceeding twenty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

Disposition
of fines, etc.

SEC. 5. That the court trying any cause arising under this act, shall instruct the jury to find the value of the property severed, or taken from land bought, received or sawed, as the case may be, in violation of any of the provisions of this act, and shall render judgment against the party convicted for the amount of fine assessed, and costs of prosecution; and the sheriff or other officer collecting said judgment shall, after paying all the costs of prosecution, pay over to the owner of said property severed, or taken, as aforesaid, twice the value thereof as returned by the jury.

SEC. 6. That the act entitled an act for the punishment of certain offenses therein named, passed and took effect April 11, 1862, (S. & S., 282,) be and the same is hereby repealed.

SEC. 7. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

To authorize county commissioners to execute bonds of indemnity in certain cases. .

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any county in the state of Ohio, which has been, and now is, or may hereafter be, the owner of any of the bonds of the United States known as five-twenties, seven-thirties, and ten-forties, or other securities of the United States, issued under the acts of the Congress of the United States, which said securities have not been registered at the office of the treasurer of the United States, and which said bonds or other securities have been lost, destroyed or stolen from said county, and which said bonds or other securities have not been redeemed by the government of the United States, it shall be lawful for the county commissioners of such county to execute and deliver, on behalf of said county, to the government of the United States, or to any officer of said government who may be by law authorized to receive the same, a bond indemnifying the said government of the United States against all loss which said government might sustain by reason of the redemption and payment of said outstanding bonds or other securities, on delivery to said county commissioners by said government of the United States of duplicate bonds or other securities so lost, destroyed or stolen, for the use of said county, for the several sums of money represented by the said bonds or other securities so as aforesaid lost, destroyed or stolen.

Bonds of indemnity to replace lost bonds authorized, &c.

SEC. 2. That in case it shall be discovered by the authorities of the United States, after the delivery of said duplicate bonds or other securities to said county commissioners, that any of said original bonds or other securities have been redeemed by the government of the United States through any of its officers or agents authorized by law so to do prior to the issuing and delivery of said duplicate bonds or other securities, it shall be lawful for the said county commissioners of that county to pay to the government of the United States such sum of money as may have been so paid in the redemption so as aforesaid made by said government, if the duplicate bond, or bonds, or other securities so by the United States government issued and delivered, as aforesaid, have been by said county commissioners negotiated or assigned, or if said duplicate bond, or bonds, or other securities, shall have been redeemed by the government of the United States, then, and in that case, it shall be lawful for said county commissioners to pay out of the county fund of such county, to the United States government, such sum of money as may have been paid by said government in the redemption of said bonds, or other securities, as aforesaid; but in case said duplicate bonds, or other securities, shall not have been so negotiated or assigned as aforesaid, then, and in that case, said duplicate bonds, or other securities, shall be delivered up to said United States government for cancellation.

Procedure in case of redemption by United States, &c.

SEC. 3. This act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

To authorize villages or cities with a population of five thousand six hundred and forty-one by the federal census of 1870, to appropriate money to construct car shops, &c., within the limits of such village or city.

Bonds authorized to aid in erecting car shops in certain cases.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio*, That villages or cities containing a population of five thousand six hundred and forty-one, and no more, by the federal census of 1870, published in the last volume of Ohio Statistical Report, if the council thereof, by a resolution passed by a majority of the members elected thereto, on a petition by two-thirds of the tax-payers of such village or city, declare it to be essential to the interest of such village or city that the head of division and car shops of any railroad, to be named in such resolution, should be located within the limits of such village or city, it shall be lawful for the council of such village or city to borrow as a fund, for the purpose of erecting such shops, if the council shall deem it expedient to erect such buildings, a sum not exceeding thirty-five thousand dollars, and to issue bonds therefor in the name of such village, under the corporate seal thereof, at a rate of interest not exceeding eight per centum per annum, payable semi-annually, at such places and in such sums as shall by such council be deemed best; such bonds shall be signed by the mayor, and attested by the clerk of such village or city; and the clerk shall keep a register of the same, and the faith of the village or city shall be pledged for the redemption of said bonds; and it shall be the duty of such council to levy, annually, sufficient tax to pay the interest on and provide a sinking fund for the redemption of said bonds.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

Supplementary to an act entitled "An act to amend section one of an act entitled an act to amend sections five and nine of an act entitled an act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859," passed April 18, 1861. (S. & S., pp. 395, 396; S. & C., 710.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all proceedings now pending, or which may hereafter be brought by any assignee, by petition filed in any court of common pleas, under the provisions of the ninth section of the act regulating the mode of administering assignments in trust for the benefit of creditors, passed April 6, 1859, as amended by the second section of the above recited act, such assignee, or any party in interest, shall have the right of appeal to the district court, from any final order, judgment or decree of the court of common pleas, in the same manner as appeals may be taken in civil actions.

Right of
appeal from
common
pleas to dis-
trict court.

SEC. 2. This act shall take effect upon its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 10, 1872.

AN ACT

Supplemental to the act passed May 13, 1868, entitled "An act to provide for the perpetuation of Boards of Trustees and the appointment of Visitors [of Universities] and Colleges. (65 O. L., 188.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of trustees of any university or college in this state that has accepted or shall accept the provisions of the act passed May 13, 1868, entitled "An act to provide for the perpetuation of boards of trustees, and the appointment of visitors of universities and colleges," may accept the provisions of this act by resolution adopted at any regular meeting of said board of trustees, and entered upon the record of their proceedings, and thereafter said board of trustees, and said university or college, shall be subject to the provisions of this act.

What col-
leges, etc., may
accept the
provisions of
this act.

SEC. 2. The alumni of any university or college, the board of trustees of which has accepted, or shall accept the provisions of said act of May 13, 1868, and the provisions of this act, are hereby authorized to elect as members of the board of trustees of said university or college, a class of trus-

Alumni may
elect mem-
bers of boards
of trustees,
etc.

Also appoint
visitors.

Provisos.

Election—
where held,
how con-
ducted, etc.

The ballot—
what it shall
contain, etc.

The vote de-
cided by lot.

tees equal in number to the class of trustees elected by any conference or other religious body represented in such board of trustees, and for like terms, as provided in said act of May 13, 1868, or as may be provided in any subsequent act amendatory thereof or supplemental thereto, and may likewise perpetuate such class of trustees; and also annually to appoint two visitors, who shall have powers and duties the same as visitors appointed by any conference or other religious body aforesaid: Provided, said board of trustees shall be the judge of the validity of the elections and returns thereof of the trustees and visitors elected under the provisions of this act; and provided further, that no alumnus shall be an elector of trustees and visitors aforesaid until the third regular election therefor after he shall have received the degree of Bachelor of Arts from such university or college; and, provided further, that all other persons who have regularly attended the particular university or college, as a student, not less than two years, and have at any time received from its board of trustees the degree of Master of Arts, shall, for the purposes of being electors of trustees and visitors, be deemed and taken as alumni.

SEC. 3. The election of trustees and visitors by the alumni aforesaid shall be held each year at the place of the particular university or college, beginning the year after the provisions of this act shall have been accepted by the board of trustees as provided in section one. The election shall be by ballot, and shall be held on the secular day next before the day of commencement of the university or college, but the terms of office of the trustees and visitors then elected shall not begin until after the final adjournment of the regular meeting of the board of trustees for that year. The polls shall be open from 10 o'clock A. M. to 6 o'clock P. M., of the day of election, and at such place in some building on the grounds of the university or college as may be designated by the president thereof, by notice posted the day before such election in at least two public places on such grounds. The election shall be conducted by three judges and two clerks, who shall be electors, to be chosen by the electors present at the place of voting at the time for opening the polls; and poll books shall be kept by said clerks in the usual form. Each ballot shall contain the name of the person or persons voted for, the office which each is designated to fill, whether trustee or visitor, and where several trustees are to be elected, the term for which each is voted for shall be designated on the ballot. After the polls are closed, the result shall be ascertained and certified to by the judges and clerks, and the person or persons, not exceeding the number to be elected as trustees, having received the highest number of votes for trustee or trustees, shall be declared elected as trustee or trustees as designated on the ballot, and the two persons receiving the highest number of votes for visitors shall be declared elected visitors: Provided, if any two or more persons shall receive an equal number of votes for the same office of trustee or visitor, one of them, as may be determined by lot

by the judges in the presence of all the electors who may wish to be present, shall be the trustee or visitor, and shall be so declared. Duplicate certificates of election shall be signed by the judges and clerks, and delivered by them, one to each of the persons elected, and the other, with the poll-books duly certified by the judges and clerks, to the secretary of the board of trustees of the university or college the next day after the election, said certificate to be by him entered of record in the book containing the proceedings of said board of trustees.

Certificate of election.

SEC. 4. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 12, 1872.

AN ACT

To amend section 4 of an act entitled "An act amendatory and supplementary to the act to provide for the election of an additional judge of the Court of Common Pleas in the third subdivision of the seventh judicial district, passed April 30 [2d], 1868," 145 O. L. (26), [O. L. 65, p. 126.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 4 of the above recited act be amended so as to read as follows:

Section 4. That it shall be the duty of the sheriff in each county in said subdivision, at the time of issuing his proclamation for the annual state election in 1872, and on every fifth year thereafter, to give notice by proclamation [proclamation] of the time and place of holding such election, and said election shall take place at said annual election in October, 1872, and once in five years thereafter: Provided, that nothing in this section contained shall be construed to change the time of the beginning of the term of such judge, or the duration thereof.

Sheriff to give notice of election by proclamation.

SEC. 2. That said original section four (4) be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 13, 1872.

AN ACT

To provide for the entry of release or satisfaction of mortgages and other liens of record, in certain cases.

Record of mortgage or lien in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any mortgage or other lien recorded in the office of any county recorder in this state, on any property within this state, shall have been paid in whole, or in part, by the application of the proceeds arising from any judicial sale, or whenever any such mortgage or other lien on the rendition of any final judgment, order, or decree, by any court having jurisdiction of the subject matter, shall have been held to be invalid, in whole or in part, it is hereby made the duty of the clerk of the court in which such judicial proceedings were had, to enter upon the record of such mortgage or other lien in the recorder's office where such mortgage or other lien is recorded, a memorandum of the character of such proceedings, giving also the volume and page of the record where the said judicial proceedings are recorded.

Order by court for entry of release, etc.

SEC. 2. The court in which any proceedings are pending, or shall be hereafter commenced, relative to an existing mortgage or other lien, change of title, or partition of lands, the final judgment, order, or decree in which shall be to release or make void such mortgage or other lien, in whole or in part, or require the judicial sale of the property included in said mortgage or other lien, in case of non-payment of the amount secured thereby, or where the title has been changed by judgment or decree, or where partition has been made and confirmed between co-parceners by order of court, shall, at the time of the rendition of said final judgment, order, or decree, make the necessary order for the proper entry of memorandum, release or satisfaction by the clerk on the record of such mortgage or other lien; and in cases of change of title or partition, for the record of so much of the decree in the proper records in the office of the recorder as is necessary to show said change of title or partition.

Costs of entry, etc.

SEC. 3. In all cases heretofore determined, wherein the costs have been taxed and paid, the clerk shall not be required to make the entry of the release or satisfaction provided in this act, until some party in interest shall first pay the proper costs thereof; and in all other cases the clerk may tax in the bill of costs the fees of the recorder now provided by law on such memorandum, release, satisfaction, or record, including also a fee of twenty-five cents to said clerk for making such entry, and the fees now provided by law for official copies of records.

Record in case of reversal.

SEC. 4. In case the final judgment, order, or decree, upon which the entry of release, satisfaction, change of title or partition is based, or in which the order for such release, satisfaction or record is included, shall, by subsequent proceedings in error or otherwise, be reversed, vacated, or modified, such reversal, vacation, or modification, shall, so far as the same applies to such memorandum, release, or satisfaction of

such mortgage or other lien, record of change of title, or partition, vacate or modify such entry and record.

SEC. 5. Nothing in this act shall be construed to give to any judgment, order, or decree of any court, an operation or effect by reason of the entry thereof, or of any memorandum thereof in the recorder's office, other or different from what it would have had without such entry.

No change of operation or effect intended.

SEC. 6. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives,
JACOB MUELLER,
President of the Senate.

Passed April 16, 1872.

AN ACT

To amend an act entitled "An act limiting the compensation of certain officers therein named," passed April 6, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the second section of an act entitled "An act limiting the compensation of certain officers therein named," passed April 6, 1870, be so amended as to read as follows :

Section 2. That it is hereby made the duty of the several officers named in the first section of this act, to report to the county commissioners of their respective counties quarter yearly during each year of their official term, a certificate and sworn statement in detail of all the costs, fees, percentages, penalties, allowances, and other perquisites of every kind charged in his office, whether taxed in any cause, matter of proceeding or otherwise, and received by him for any services rendered by him during the quarter next preceding the time of making such statement.

Quarterly reports of fees to be made.

SEC. 2. That section twelve of the above recited act be so amended as to read as follows :

Sec. 12. The fees, costs, percentages, penalties, allowances, and other perquisites paid into the county treasury by the officers named in the first section of this act, shall be by the treasurer credited to a separate fund, to be called a fee fund, and together with all funds in the county treasury when this act takes effect, to the credit of the officers named in the first section of this act, shall be by the treasurer credited to said fee fund.

Separate fee fund account to be kept.

SEC. 3. That section seventeen of the above recited act be so amended as to read as follows :

Sec. 17. Whenever the net accumulated fund in the county treasury to the credit of the fee fund, arising from the fees, costs, percentages, penalties, allowances, or perquisites of the officers named in the first section of this act,

Transfer of accumulated fund.

shall exceed thirty thousand dollars, over and above the expenses of said officers, it shall be lawful for the county auditor, upon the order of the county commissioners, to transfer from said fee fund to the general fund for the use of the county, any sum that may have accumulated over and above the sum of thirty thousand dollars.

Employ of
clerks, &c.,
and their
compensa-
tion.

SEC. 4. That nothing in section three of the act to which this is an amendment, shall be construed to prevent the officers therein named from employing their deputies, clerks, book-keepers and other assistants, at such compensation as they may deem reasonable and proper: Provided, however, that such compensation shall not exceed the maximum amounts as fixed by the judges of the court of common pleas, as provided for in said section.

SEC. 5. That original sections two, twelve, fourteen and seventeen of the above recited act be and the same are hereby repealed.

SEC. 6. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

Supplementary to an act entitled "An act to incorporate the original surveyed townships," passed March 14, 1831, and to repeal an act therein named.

Auditor to
appoint trus-
tees in cases
of delin-
quency, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever it shall come to the knowledge of the auditor of any county in this State, that the electors of any original surveyed township in their respective counties, wherein there are either the reserved sections twenty-nine or sixteen, have failed for the space of one year to elect trustees for said original surveyed township, for the purpose of taking care of the sections above described, or of any other section or part of section granted in lieu thereof, in accordance with the provisions of the first section of the act to which this is supplementary, or if having elected said trustees and treasurer, the persons so elected shall fail to qualify, or shall fail to perform the duties devolved upon them by the provisions of said act, and of subsequent acts amendatory of the same, it is hereby made the duty of said auditor to appoint from among the electors of said township, three judicious persons to act as trustees, and one to act as treasurer, not residing on or holding any lease upon said school lands, to take charge of the same, and to discharge all the duties devolved upon the trustees and treasurer of such

original surveyed township, under the provisions of the act aforesaid, and those amendatory thereto, who shall hold their office for the term of one year, and until their successors are elected and qualified.

SEC. 2. That any trustee or treasurer of any such original surveyed township, or any person or persons appointed by the auditor aforesaid, and who shall qualify, or any such trustee or treasurer who shall fail to perform all the duties devolved upon him or them by the provisions of the acts aforesaid, or who shall fail to promptly collect the rents which shall become due from time to time upon any lease made under the provisions of any act of the general assembly, or shall fail to have any such lands re-appraised according to the provisions of any such lease, shall, upon conviction thereof, in any court of competent jurisdiction, pay a fine of not less than fifty dollars, nor more than two hundred dollars, for the use of the schools of said original township.

Penalty for failure to perform duties enjoined.

SEC. 3. That the auditor of such county, whenever it shall come to his knowledge that any lessee or lessees of any such school or ministerial lands have failed to pay the rent he or they are bound to pay by the provisions of any lease thereon, or that the trustees have failed to cause said lands to be re-appraised according to the provisions of said lease or leases, shall immediately notify said lessee or lessees in writing, of his or their said delinquency, and upon receiving said notice, it shall be the duty of any said lessee or lessees to immediately make full compliance with the provisions of said act wherein he or they may be delinquent, in default of which that said auditor shall, in thirty days after notifying said lessee or lessees, as aforesaid, immediately notify the trustees of any such township of such delinquency, who shall proceed immediately to collect said rent as is provided by law.

Delinquent lessees to be notified, &c.

SEC. 4. That in any case where a sale of school lands has heretofore been made under the provisions of any law of the State of Ohio, and any mistake has been made in the calculation of the amount to be paid, or in the compilation of interest, either inadvertently or designedly, by any officer having charge of the same, it shall be the duty of the auditor of the proper county to examine into the same and correct any such mistake; and any purchaser or purchasers of any such school lands, upon being notified of the same, shall immediately pay the sum he or they may be found to be in default; failing to do which the said auditor shall institute a suit against said purchaser or purchasers so neglecting to pay for the amount so found to be unpaid, in the court of common pleas of the county in which said school lands may be situated, in his own name, for the use of the proper township, and shall prosecute said action to final judgment and execution.

Errors of estimate to be corrected, &c.

SEC. 5. That the act passed March 6, 1854, entitled "An act to amend an act for the incorporation of original sur-

veyed townships," passed March 14, 1853, (S. & C., 1583,) be and the same is hereby repealed.

SEC. 6. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

Supplementary to "An act for the reorganization of the State Library, and to provide for the appointment of Librarian," passed January 27, 1853. (S. & C., 880.)

Catalogue of
books to be
made.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be the duty of the board of commissioners of the State Library to cause to be prepared and printed, without unnecessary delay, a full and complete catalogue of all of the bound volumes in the State Library.

List of addi-
tions to be
published an-
nually.

SEC. 2. It shall be the duty of the state librarian to cause to be prepared and printed, on the first day of January of each year, a full and complete list of all books, pamphlets and papers received into the State Library during the preceding year.

SEC. 3. This act shall take effect upon its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

To allow certain cities to assess a special tax for purposes named therein.

Tax to fill
pools, &c.,
authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That cities of the second class, having a population of eight thousand nine hundred and twenty at the last Federal census, and no more, be and they are hereby empowered and authorized, to enable them to fill up, change or abate miasmatic pools or depressions in their vicinity, to assess an additional tax of one mill upon the dollar valuation of said cities, upon the grand duplicate each year for a period not exceeding five years.

SEC. 2. That for the purpose of anticipating said tax, the city councils of such cities are hereby authorized to issue bonds and borrow an amount of money not exceeding twenty thousand dollars; the bonds to bear a rate of interest not exceeding eight per cent., and to be sold for not less than their par value.

Bonds in anticipation of tax.

SEC. 3. This act shall take effect upon its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT.

Changing and fixing the times of holding the district courts, for the year 1872, in the counties of Adams, Brown, Clermont, Highland and Ross, in the Fifth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the times of holding the terms of the district courts in the counties of Adams, Brown, Clermont, Highland and Ross, as fixed by the judges of the Fifth judicial district for the year 1872, be and the same are so changed that the district courts for the year 1872 in said counties shall be held and commence as follows: In the county of Adams, on the 11th day of September; in the county of Brown, on the 13th day of September; in the county of Clermont, on the 23d day of September; in the county of Highland, on the 2d day of October; in the county of Ross, on the 4th day of October.

Times of holding district court in Fifth district for 1872.

SEC. 2. The clerks of said counties each shall give the regular legal notice in some newspaper published therein, of the above changes.

SEC. 3. This act shall take effect and be in force from and after its passage, and shall expire with the year 1872.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

To authorize stockholders of Joint Stock and other Corporations to fix the number of their Board of Directors.

Stockholders may fix the number of directors.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the stockholders of any joint stock manufacturing, mining, street railroad, or other corporation, organized under the laws of this state, except railroad corporations, may, at any annual meeting of its stockholders, or at any special meeting thereof, called for that purpose as hereinafter provided, fix the number of its board directors at any number not less than three for the ensuing year, and until said number shall, in like manner, be changed.

Notification of special meeting.

SEC. 2. That all special meetings called for the purpose aforesaid, shall be upon written notice, signed by the president, secretary, or a majority of the board of directors of said corporation, stating the object of said meeting, which notice shall be personally served at least ten days before the time of said meeting, upon all the stockholders of the corporation whose names appear upon its stock ledger; or by depositing like notices in the postoffice severally addressed to said stockholders, with the postage thereon pre-paid, not less than twenty days before the time of said meeting, or upon like notice given in some newspaper published in the city, town or county in which the principal office of said corporation is situated, or if no such newspaper be published, then in some newspaper of general circulation therein, not less than three consecutive weeks, if the notice be published weekly; and not less than twenty consecutive days, including Sundays, if the notice be published daily before the time of said meeting.

Votes to be based on number of shares.

SEC. 3. That in fixing the number of directors as aforesaid, the vote shall be upon the number of shares of the capital stock of said corporation; each share shall be entitled to one vote, and a majority of the actual stock of the corporation shall be required to make any change in the number of its board of directors.

SEC. 4. This act shall take effect on its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 20, 1872.

AN ACT

To authorize county commissioners to establish corners of townships.

County commissioners to require corners to be established.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the county commissioners of any county in this state consider that the public good requires it, they shall authorize and require the county surveyor to

ascertain by actual survey and evidence, the corners of each or any of the originally surveyed townships in said county, and there place or cause to be placed, perpendicularly in the ground, a stone post not less than ten inches in diameter nor less than three feet long.

SEC. 2. That the said commissioners shall furnish said posts, and all expenses under this act shall be paid out of the county treasury.

Expenses thereof.

SEC. 3. That if any person shall remove said posts, or in any way obliterate said corners, they shall upon conviction be fined in any sum not exceeding one hundred dollars, or imprisonment in the county jail not to exceed thirty days, or both, at the discretion of the court.

Penalty for removal or obliteration.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 20, 1872.

AN ACT

To grant the consent of the state of Ohio to the purchase by the United States of certain lands for the purpose of the erection of court house, custom house, post office and other government buildings, at Cincinnati, and ceding the jurisdiction over the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the consent of the state of Ohio is hereby given to the purchase, by the United States, of one or more pieces of land situated in the city of Cincinnati, not exceeding four acres in quantity, on which to erect court-house, custom-house, post-office, and other government buildings and appurtenances, and the said United States shall have, hold, use, occupy and own the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereafter mentioned.

Consent of state given to purchase by United States.

SEC. 2. The jurisdiction of the state of Ohio in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the said United States shall own the said land or lands.

Jurisdiction thereof ceded to United States.

SEC. 3. The said consent is given, and the said jurisdiction ceded, upon the express condition that the state of Ohio shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of Ohio against

Conditions of cession.

any person or persons charged with crimes or misdemeanors committed within said state, including said lands, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States; and also upon the further condition that all persons who are now residing, or shall thereafter reside upon such land or lands so acquired, shall, subject to the general laws of this state, be deemed and held to be citizens of the state of Ohio, entitled to all the privileges and subject to all the liabilities and duties of citizens of this state; and the taking possession of said land or lands, by the United States, shall be taken as an acceptance on the part of the United States of all the stipulations and conditions of this act.

United States
must acquire
title by purchase or
grant.

SEC. 4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant, or by lawful appropriation under the right of eminent domain; and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments and other charges, which may be levied or imposed under the authority of this state.

Penalty for
injury to
grounds or
buildings.

SEC. 5. *It is further enacted*, That any malicious, willful, reckless, or voluntary injury to or mutilation of the grounds, buildings, or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment, not exceeding six months, in the county jail or work-house, to be prosecuted before any court of competent jurisdiction.

SEC. 6. This act shall take effect immediately.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 20, 1872.

AN ACT

Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852. [S. & C., vol. 1, page 271.]

Associations
for mutual
protection
authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than five, may associate themselves together as provided in the first section of the act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, for the purpose of mutual protection and relief of its members, and for the pay-

ment of stipulated sums of money to the families or heirs of the deceased members of such association.

SEC. 2. That the trustees and officers thereof shall be chosen in such manner and for such time as may be provided in the rules and regulations of such association. And when chosen, said trustees shall, under their hands and seals, make a certificate which shall specify as follows:

Choice of
offices—cer-
tificate there-
of.

First—The name of such association, and by which it shall be known.

Second—The name of the place where its principal office is or shall be situated.

Third—The manner of carrying on the business of said association.

Such certificate shall be acknowledged, certified and forwarded to the secretary of state, recorded and copied as is provided in the second section of the act to which this is an amendment; and a copy duly certified by the secretary of state, under the great seal of the state of Ohio, shall be evidence of the existence of such association.

SEC. 3. That when organized as provided in section two, the persons named as corporators in said certificate are hereby authorized to carry into effect the objects named in said certificate, in accordance with the provisions of this act; and their associates, successors and assigns, by the name provided in said certificate, shall thereafter be deemed a body corporate with succession, and shall have power to receive money, either by voluntary donation or contribution, or to collect the same by assessment on its members; and to distribute, invest and appropriate the same in such manner as such association may deem proper, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal estate as may be necessary and convenient to carry into effect the objects of the association; to make and use a common seal, and the same to alter at pleasure; and do all needful acts to carry into effect the objects for which it was created, in such manner and for such purpose as may be prescribed by the rules and regulations of the association, not inconsistent with the laws of the state, and the purposes of the association as above expressed.

Corporators
a body cor-
porate.

SEC. 4. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 20, 1872.

AN ACT

To authorize counties, cities, incorporated villages and townships, to build Railroads, and to lease and operate the same.

Construction
of railroads
by counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any county to construct a railroad, and to borrow as a fund for that purpose, a sum not exceeding five per cent. of the assessed valuation there last made of the real and personal property in such county, as two-thirds of the electors of such county voting at a meeting called for that purpose shall determine: Provided, that the total amount of outstanding indebtedness incurred for any and all railroads shall not exceed five per cent. of the assessed valuation of such county at any one time; provided, that the amount, exclusive of interest, which shall have become due and collectable in any one year, shall not exceed one per cent. of the assessed valuation of such county.

Notice to
electors.

SEC. 2. It shall be the duty of the commissioners of any county to call a meeting of the electors of such county, at their usual places of voting, whenever a written request to do so shall be made by one hundred tax-paying electors of such county; and the said commissioners shall give thirty days' notice to the qualified electors thereof, by publication in a newspaper of general circulation in said county, requiring said electors to vote for or against the construction of the proposed road and of the time of said vote. And the opinion of said electors shall be expressed on their ballots, "Railroad—Yes," or "Railroad—No;" which ballots shall be counted and returned by the judges and clerks of elections, as in other cases: Provided, that such request and notice shall specify the termini of the proposed road, the amount to be appropriated towards its construction, the conditions, rates of interest, time of payment, and manner of executing the bonds, and other particulars in regard to such appropriation not otherwise provided herein. Said commissioners, upon proper request as aforesaid, are hereby authorized and required to call a special election for the purpose aforesaid, by giving the notice required hereby: Provided, that no county under the provisions of this act shall hold more than one special election in one year. A copy of the request and also of the notice required by the provisions of this section, shall be entered at large upon the records of such county, together with a statement of the result and other essential particulars, and a certified copy of such record shall be in all courts and places as prima facie evidence of the facts therein set forth.

Vote.

Special elec-
tions.

Bonds to be
issued.

SEC. 3. Any county which may avail itself of the benefit of this act, as provided herein, shall, within sixty days after the question of constructing any road is determined by a vote of the electors of such county, as provided in section two of this act, issue its coupon bonds for the amount so determined to be expended, which bonds shall be in sums of not less than fifty dollars each, and not more than one thousand dollars

each, and shall be payable at any time as determined upon by the electors of such county, not exceeding twenty years from the date thereof; such bonds shall bear interest at a rate not exceeding eight (8) per cent. per annum, and shall have attached thereto the usual and necessary interest coupons, corresponding in dates and numbers with the bonds to which they are attached, which shall be signed by written signature of the auditor. Such bonds shall be signed by said county commissioners, under the seal of said county, and attested by the auditor of said county. The bonds and coupons attached thereto, shall be payable either at the office of the treasurer of said county, or in the city of New York, as shall be determined by the vote of said electors, and said bonds shall not be sold at less than their par value.

SEC. 4. Whenever any such bonds, as provided by the provisions of this act, shall have been issued as therein specified, the same shall be delivered by said commissioners to the treasurer of the state, who shall give a receipt therefor, and hold the same as trustee for the county issuing the same, and to be disposed of by said treasurer in discharge of his trust, as hereinafter provided.

Bonds to be delivered to state treasurer.

SEC. 5. Upon receipt of any such bonds from any county in aid of any railroad, the treasurer of this state shall immediately register or record the same in a book, or books, to be kept by him for that purpose in his office, which record shall show the amount, date and number of each bond, the rate of interest which it bears, by what county issued, to construct what railroad the such bonds are issued, and the time when payable, which record shall be open for the inspection of any citizen of this state, or other interested parties. Such bonds shall be safely kept by said treasurer for the benefit of the parties interested, and be disposed of by him in the following manner, that is to say: Whenever the county commissioners shall present an order for said bonds, from the chief engineer, approved by the county commissioners, that there had been labor performed and materials furnished during the previous month, in pursuance of the contract, to the amount therein specified, it shall then be the duty of the treasurer of state to deliver to the commissioners, or the person designated in their written order, bonds to an amount not exceeding eighty-five per cent. of the amount of said order. The treasurer of state shall at all times retain fifteen per cent. of said orders, until the final completion of the road, and the certificate of the chief engineer and commissioners is presented, certifying that fact. The treasurer shall indorse upon each of said bonds the date of such delivery, and to whom the same were delivered, and shall notify the auditor of the county issuing the same of the date of such delivery. And in case any bond so delivered to said treasurer by any county shall not, within three years from the time when the same was received by him, be demanded in compliance with the terms of this act, the same shall be cancelled by said treasurer and returned to the auditor of the county issuing the same.

To be registered, &c.

Duties of treasurer of state.

SEC. 6. In case any county shall avail itself of the benefit of this act by the issue of bonds or other evidence of indebted-

Assessment
of tax to
meet bonds.

edness as by this act provided, such county shall each year, by its proper authorities, after receiving the notice, as herein provided, from the state treasury, of the delivery of its bonds, so long as such bonds or other evidences of debt remain unpaid, levy, assess and collect upon the taxable property of such county a sufficient sum of money to pay all bonds or interest thereon, as either the bonds or interest upon the same shall become due. And the full faith and credit of any county so issuing any such bonds or other evidence of debt, is hereby pledged for the full payment of both the principal and interest thereon, and the same are hereby made a legal and valid charge upon the taxable property of the county issuing the same.

Proposals for
construction
of road.

SEC. 7. If two-thirds of the votes cast at such election shall be in favor of constructing said road, the county commissioners shall, within thirty days, proceed to advertise for not less than thirty days nor more than sixty days, in one or more newspapers, of general circulation in said county, that proposals will be received for the construction of said road, according to the terms of this act; and they shall enter into contract with the lowest responsible bidder for the whole of said road, or with the party that will agree to build the greatest number of miles of road for the sum appropriated, upon bonds being given to the county with security, to be approved by said commissioners, that said road shall be constructed according to said contract.

Appropriation
of land.

SEC. 8. Whenever in the construction of a railway under the provisions of this act, as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or piers of any bridge across any stream within this state, or for any other purpose, or to appropriate any rights or franchises, proceedings shall be commenced by said county commissioners, and conducted in accordance with the act entitled "An act to provide for the compensation to the owners of private property appropriated for the use of corporations," passed April 5th, 1852, and the acts supplementary thereto, except that the verdict of the jury and the judgment of the court shall be so varied as to suit the case.

Donations.

SEC. 9. The county commissioners shall have the right to receive donations in lands or money, bonds and other personal property, and dispose of the same in aid of said road, and to acquire, hold, and possess all the necessary real and personal property and franchises in this state.

Lease of
road.

SEC. 10. Said county commissioners shall have the power and are hereby authorized to lease said road, constructed under the provisions of this act, before or after its completion, for a term of years, with the full power to use and operate the same, to such person or company as will furnish security approved by said commissioners, or to sell the same for such compensation and upon such terms as may be agreed upon by said commissioners and lessee or purchaser: Provided, that no such contract of lease or sale shall be valid until the same is ratified by a majority of the electors of such county voting at an election called for that purpose.

SEC. 11. Said county commissioners shall have power to take such security from any officer, agent or contractor chosen, appointed or employed by them, as they shall deem advisable. They shall not become surety for any such officer, agent or contractor, or be interested directly or indirectly in any contract covering said railway. They shall be responsible only for their own acts.

Security
therefor.

SEC. 12. The provisions of this act are hereby so extended as to authorize cities, incorporated villages and townships, to vote for the construction of a railroad, and to borrow a fund therefor, to the extent, in the manner, and subject to the conditions and provisions of this act in relation to counties; and it shall be the duty of the trustees of any township or incorporated village, and the mayor of any city or incorporated village, to call a meeting of the electors of such township, village or city, as provided in section two of this act for counties. The bonds contemplated in this act, if issued by a city or incorporated village, shall be executed by the mayor and clerk or recorder thereof, as the case may be; and if issued by a township they shall be executed by the trustees and clerk thereof; and if any city, incorporated village, or township issuing such bonds, shall have a seal, the same shall be impressed upon each of said bonds as provided for counties in section three of this act. The bonds, after execution, shall be placed in the hands of the state treasurer as in the case of county bonds, and subject to the same provisions, except as hereinafter stated, whereupon the trustees of such township, or the mayor of such city or village, with the advice and concurrence of the council of such city or village, shall proceed to contract for the road in question with the same powers and governed by the same provisions as in the case of county commissioners under this act. The state treasurer shall deliver the bonds of such city, incorporated village or township, in accordance with the provisions of section five of this act, and upon no other conditions: Provided, that in case of cities or villages one terminus of said road shall be located beyond the limits of said corporation, if so determined by a majority of the votes of the electors of said city or incorporated village; and provided that the aggregate of the indebtedness of any city, incorporated village or township, incurred for railroad purposes under this act, shall not exceed five per cent. of the taxable value of the same, including any appropriation which the county in which said city or incorporated village or township is situated shall make; and also that the commissioners of any county, the council of any city or incorporated village, and the trustees of any township which now own stock in any railroad company, shall be authorized to sell the stock of the same in such railroad company, on such terms as they may deem to be for the interest of said county, city, incorporated village or township respectively, and apply the proceeds to the construction of any railroad authorized to be constructed agreeable to and under the provisions of this act: Provided, that before said sale shall be made, the question whether said stock shall be

Provisions of
the act extended to
cities, villages and
townships.

The bonds.

Certain conditions.

sold, shall be submitted to the qualified voters of such county, township, incorporated village or city, in pursuance of section two of this act; and provided a majority of the electors voting at said election shall vote in favor of making said sale.

Proceedings
in case of
default.

SEC. 13. In case any city, incorporated village or township issuing bonds, as heretofore provided in this act, shall fail to pay the bonds or the interest coupons, or to deposit with the treasurer of the county in which such township, incorporated village or city is situated, a sufficient sum of money to pay the bonds or the coupons which it may have issued as aforesaid, which may be then due as by the terms of said bonds or coupons, the county treasurer of such county shall certify the same to the clerk of the board of commissioners of said county, stating the amount so due and unpaid by such township or city or incorporated village; whereupon the board of commissioners of said county shall cause the same to be assessed, levied and collected from such township or city, or incorporated village, with other county or incorporated village or city taxes, and in like manner adding to the amount thereof interest at the rate specified in said bond for one year; and the same shall be paid to the county treasurer, who shall upon the receipt of said money pay to the holders of such bonds the principal or interest for which such money may have been collected, with the interest thereon, and cancel and return such bond or coupons to the township or city, or incorporated village to which the same may belong.

SEC. 14. This act shall take effect on and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 23, 1872.

AN ACT

Prescribing the mode of assessment and collection of compensation to the owners of private property appropriated by and to the use of corporations.

Enacting
section.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That all appropriations of private property by and to the use of any and every corporation now existing, or that may hereafter be created by or under the laws of this state, which may be authorized by law to make such appropriation for any purpose which may be within the scope of the legal authority of such corporation, shall be made and conducted in accordance with the provisions of this act.

Petition and
its contents.

SEC. 2. Whenever any such corporation shall wish to make any such appropriation, and shall be unable to agree with the owner or owners of the property sought to be appropriated, or with his, her or their authorized attorney,

upon the compensation to be paid therefor, or where the owner or owners are unknown, or the residence of such owner or owners is unknown, or the residence of such owner or owners is without the state of Ohio, or where the owner or owners are from any cause incapable of contracting, and have no legal representative authorized to contract for the sale of lands, it shall be the duty of such corporation, by its proper officer, agent or attorney, to make a petition, which shall contain a specific description of each parcel of property, and rights, sought to be appropriated within the county where such application shall be made, and which such corporation, at the time of filing such petition, seeks to appropriate, the work, if any intended to be constructed thereupon, and the use to which the same is to be applied, the necessity of such appropriation, the name or names of the owner or owners of each parcel, if known, or if not, a statement of that fact, and also the names of all persons having any interest, legal or equitable, in said property, so far as the same can be ascertained, and a prayer for the appropriation of such property. Said petition, duly verified by such officer, agent or attorney, in the same manner now required for the verification of pleadings under the code of civil procedure, shall be forthwith filed with the probate judge of the proper county.

Verification.

SEC. 3. That it shall be the duty of the probate judge, on the filing of said petition, to immediately issue a summons to the owner or owners of the property described in said petition, returnable within not less than ten or more than fifteen days from the issuing thereof, which summons shall be directed to the sheriff of the county, and shall be served and returned as in other cases. On the return day of the summons, and before the issuing of the venire for the jury, the probate judge shall proceed to inquire and determine the questions of the corporate existence of the corporation, and its legal right to make appropriation of private property under this act; the inability of said corporation to agree with the owner or owners of the property sought to be appropriated, and the necessity of the appropriation; upon all which questions the opposite party may be heard, and the corporation shall satisfy the court affirmatively by satisfactory proof.

Duty of Probate Judge.

SEC. 4. If any of the owner or owners, or his, her or their legal guardian, as the case may be, are unknown, or do not reside within the county where such property is situated, and the summons is returned not served, such corporation, by its proper officer, agent or attorney, shall make affidavit to that fact, and then may proceed to make service by publication in the same manner provided by section seventy-two (72) and seventy-three (73) of the code of civil procedure; and the day of hearing in such case of service by publication shall be fixed by the court, not exceeding ten days from the time when the service is complete; and upon such day, unless for good cause the court shall continue the case, a jury shall be empaneled and sworn by the probate judge,

Notice to unknown owners, &c.

and the proceedings shall thereafter be conducted in accordance with the provisions of this act.

Notice to
clerk and
sheriff; selec-
tion of jurors,
&c.

SEC. 5. That it shall be the duty of the probate judge, on the filing of said petition, and after finding in favor of the corporation, upon the preliminary inquiry, as provided in section three, to immediately notify the clerk of the court of common pleas, and sheriff of the county, of the filing of such petition; and the said clerk and sheriff shall, within three days after receiving such notice, in cases where the owner or owners reside within the county, and in all other cases, not later than ten days before the time fixed for trial, proceed to select from the names returned to serve as jurors sixteen men, in the same manner that jurors are selected for the trial of any cause in the court of common pleas, for the purpose of estimating and valuing the amount of compensation each owner or owners shall receive, or be entitled to, by reason of such appropriation; and said clerk shall immediately return the names of jurors so drawn to the probate judge, who shall thereupon issue his venire facias to the sheriff of the county to summon such jurors so drawn, as aforesaid, to attend on the day specified by the probate judge, at the office of said judge, not less than ten nor more than fifteen days from the issuing of said venire, from which a jury of twelve men shall be called and empaneled, as provided in case of juries in the court of common pleas, and sworn (or affirmed) to render a just verdict in the manner herein prescribed. Each party shall be entitled to the same peremptory challenges, and challenges for cause, provided by law in other cases.

Summons of
jurors.

SEC. 6. It shall be the duty of the sheriff receiving such venire facias to summon the persons therein named in the same manner that jurors are summoned to attend the court of common pleas; and if, by reason of non-attendance, challenge peremptory or for cause, or for any other reason, such jury shall not be full, the sheriff shall fill the same with talesmen, as in like cases in the court of common pleas.

Qualifica-
tions of
jurors, &c.

SEC. 7. When the panel is so filled, the probate judge shall personally inquire of each juror whether he is interested in such corporation, either as owner, stockholder, agent or attorney, or in any other manner; and if any such juror shall answer such question in the affirmative, or if such fact be shown to the probate judge by satisfactory evidence, such juror shall be excused from serving, and the next person on the list attending as jurors shall be called; and if the number of jurors in attendance shall have been exhausted, the panel shall be filled by the sheriff with talesmen, as in other cases; and when the panel shall be full, the probate judge shall administer the following oath: You and each of you do solemnly swear (or affirm) that you will justly and impartially assess, according to your best judgment, the amount of compensation which is due to [here name the owner or owners] by reason of the appropriation of the property described in the petition to the use of [here name the corporation], in the proceedings now pending, irre-

Oath.

spective of any benefit from any improvement proposed by such corporation; and you do further swear (or affirm) that you will, in assessing any damage that may accrue to [here name the owner or owners], by reason of the appropriation, other than the compensation, further ascertain how much less valuable the remaining portion of said property will be in consequence of such appropriation; this you swear as you shall answer to God (or affirm under the pains and penalties of perjury).

SEC. 8. Each application by petition shall constitute but one proceeding, though several parcels of property and owners are named; but the owner or owners of each separate parcel shall be entitled to a separate trial, verdict and judgment. The officers, jurors and witnesses shall only be entitled to a single fee, and there shall be but one cost bill taxed against such corporation.

Proceedings
—fees.

SEC. 9. It shall be lawful for said probate judge, upon motion of either party, to issue the following writ to the sheriff, to wit: *To the sheriff of* _____ *county:* You are hereby commanded to conduct the twelve jurors named in the panel to this writ annexed, to view the property or premises sought to be appropriated by [here state the name of the corporation], and owned by [here state the name of the owner or owners], on _____, the _____ day of _____, then and there to view the premises or property aforesaid, in the presence of A. B. on the part of the corporation aforesaid, and C. D. on the part of the owner (or owners), appointed by this court, and you shall make return of the manner you have executed this writ to this court, on the _____ day of _____, A. D. _____, and have you then

Form of writ
to sheriff.

and there this writ. The aforesaid writ shall be signed by the probate judge, and certified under his seal of office, and he shall also deliver to the sheriff a copy of the part of the petition containing a separate description of each parcel of property and rights sought to be appropriated within the county, which the jury are required to view, and he shall have the power to appoint the two persons therein named; and the sheriff who is to execute said writ shall, by a special return upon the same, certify under his hand that the view has been made according to the command thereof. The expenses of taking said view shall be taxed in the bill of costs, and no evidence shall be given on either side at the taking thereof: Provided, that witnesses may be examined before said jury after their return to the court aforesaid; and the trial in each case shall be conducted thereafter in said probate court in the same manner that the trial of civil cases is conducted in the court of common pleas; provided, that if more than three witnesses are examined by either party, on the same point, in the same case, the said probate judge shall have power to tax the costs of such witnesses to the party calling the same.

Delivery of
writ; costs,
&c.

SEC. 10. After the case is submitted by the respective parties, the jury shall render their verdict in writing, signed by each juror, to the probate judge, who shall enter the same on the journal; and, unless for good cause shown the

The verdict

court shall grant a new trial, the judge shall render judgment on such verdict for the amount thereof, found due the owner or owners of each parcel respectively, and for such costs as may be assessed, which judgment may be enforced by execution, as upon judgment at law, which judgment shall also be to, and have the effect, that upon the full payment thereof within thirty days, by the corporation, to the parties owning the property, or into court for their use, the said corporation shall hold the property in the petition described, for the purposes for which the same was appropriated, and evidence of such judgment shall be entered on the records of the court; and thereupon such corporation shall hold the said property accordingly, and be entitled to process to put them in possession thereof.

New trial for
cause.

SEC. 11. A new trial shall only be granted for cause, or upon reversal of the judgment by proceedings in error in the court of common pleas, as hereinafter provided; and when granted except for reversal in error, shall take place in the same court, and be conducted in all respects, so far as the same are applicable, in accordance with the provisions of this act, for the first trial; and upon the granting of the motion for new trial, if the amount of the first verdict has been paid into court, the probate judge shall retain the amount which may have been paid by said corporation until the final termination of said second trial: Provided, that if, upon the new trial, the verdict of the jury shall exceed the amount of the first, the corporation shall pay the amount of the first verdict, together with the excess, to the owner or owners of the property; and if the verdict, upon second trial, shall be less than that of the first, the probate judge shall repay to the corporation the difference; and provided, further, that in case a new trial shall be granted, at the instance of the owner or owners of the property, and the verdict of the jury shall be the same, or less in amount than that first rendered, such owner or owners shall pay the whole costs of the second trial; and if it shall be more than that first rendered, the costs of such second trial shall be paid by the corporation.

Petition in
error, &c.

SEC. 12. All the proceedings herein provided for in the probate court, shall be open to exceptions, in the same manner that exceptions are or may be taken in civil suits in the court of common pleas; and either party may file their petition in error in the court of common pleas of the proper county, within thirty days from the rendition of the final judgment in the probate court, and thereupon the proceedings in error shall be proceeded in, in all respects, as is now provided by law in like cases: Provided, that such corporation shall have the right, on the rendition of the final judgment in the probate court, to pay into said court the amount of the judgment for the amount of compensation and costs therein rendered, and proceed to enter upon and appropriate such property, notwithstanding the pendency of said proceedings in error.

SEC. 13. If the court of common pleas, upon the hearing of the cause, shall affirm the judgment of the probate court,

all the costs in said court of common pleas shall be paid by the plaintiff in error; and if they shall reverse such judgment they shall retain such cause for trial and final judgment in said court of common pleas as in other cases, which trial shall be had at the term of the reversal of such original judgment, unless for good cause shown by either party the court shall grant a continuance of such cause; and on the trial of such cause in the court of common pleas the same inquiry as to the interest of the jurors, and the same oath or affirmation, shall be administered to the jury, as is provided for in the seventh section of this act.

Costs of new trial.

SEC. 14. That in all cases where any railroad company already incorporated or that may be incorporated within this state, has located or shall hereafter locate their railroad through any part of reserved sections twenty-nine or sixteen, or through any part of sections granted by congress in lieu of section sixteen, for school purposes, (the same remaining unsold,) or through any town lot, or parcel of ground used for or devoted to school purposes, said railroad company may appropriate so much of said land or lots as may be necessary for the purposes aforesaid, in such manner and upon such conditions as are provided in this act; and service of the summons made on such trustees or school officers as have possession or control of said lands shall have the same force and effect as service in any other case on owners of land sought to be appropriated. The moneys arising from such appropriation shall be disposed of by such trustees or school officers in such manner as shall be provided by law.

Location of railroad through reserved sections, etc.

SEC. 15. That in any case wherein the probate judge of any county in this state shall be interested, either as stockholder, director, or otherwise, in any corporation seeking to appropriate private property to its use, the proceedings authorized by this act may be commenced in the court of common pleas of the proper county; and in that case said proceedings in said court of common pleas shall be had and conform in all respects, so far as applicable, to the several provisions of this act, and all the powers conferred and duties imposed by this act shall devolve upon the court of common pleas; and said court of common pleas shall have full power to make such orders and direct such proceedings to be had as may be necessary to do full justice between the parties, according to the true spirit and intent of this act: Provided, that either party shall have the right of second trial, as now provided by law for second trials in said court of common pleas, and to have the proceedings of said court of common pleas reviewed on error in the district court; provided furthermore, that after final judgment, said corporation seeking to appropriate property under the provisions of this act may, on depositing the amount of said judgment and costs assessed in said court of common pleas, with the clerk of said court, be entitled to enter into possession of the property sought to be appropriated.

When proceedings may be commenced in common pleas, etc.

SEC. 16. In all cases where the party in interest is unknown, or his, her or their residence is unknown, and where service has been made by publication and the party has not appeared in the proceedings by agent or attorney, or where

Procedure in case of unknown parties.

such party in interest is under any legal disability and has no legal guardian or trustee within the county where such action is brought, the court shall appoint some competent attorney to attend upon said proceedings and protect the rights and interests of such party; and the court shall fix the amount of the fees of said attorney for said service, and the same shall be payable out of any moneys paid on the judgment rendered in such cases for the appropriation of property.

Correction of defects, etc.

SEC. 17. The court shall have power to amend any defect or informality in any of the special proceedings authorized or required by this act as may be necessary, or to cause new parties to be added, and to direct such further notice to be given to any party in interest as it deems proper.

Diverse claimers to be reserved.

SEC. 18. In all cases when there are any diverse or conflicting claims, legal or equitable, to the real estate, or any interest therein, sought to be appropriated under the provisions of this act, the jury or court shall not pass upon the same in the proceedings for appropriation herein provided, but such claims shall be reserved for adjudication as hereinafter provided.

Proceedings in case of diverse claims.

SEC. 19. That in every case when there are diverse and conflicting claims to the real estate sought to be appropriated, or any interest therein, as mentioned in the preceding section of this act, the person or persons having such claims, if known to the corporation applying for the appropriation of any property under the provisions of this act, shall be made parties to the proceedings; and upon the payment of the money into the court, after judgment, by the corporation seeking said appropriation, any party so claiming any legal or equitable interest in said property, or the money arising therefrom by such appropriation, may file his, her or their petition in the court of common pleas of the proper county, making the other claimants to said property or money parties thereto, setting forth the facts on which said claim is founded, and the fact of the appropriation of said property, and the amount of money so paid in therefor, and such other facts as are proper to enable said court of common pleas to hear and determine the matter between said claimants; and upon the filing of such petition, and service of process as provided by law, the court of common pleas shall obtain jurisdiction in said action of said fund, and shall forthwith appoint some master of said court, or other suitable person selected by the parties, to hold and safely keep said fund, or invest the same in the manner the said court shall direct, after hearing said parties; and such fund shall thenceforth represent said land, and the interests therein, and be subject to the control of the court having jurisdiction of the case, by orders entered in said proceedings, according to the rights of the parties to said land or fund, as from time to time said court may determine.

Proceedings to be held a civil action.

SEC. 20. Said proceedings in the common pleas court authorized in section nineteen, shall be considered and held to be a civil action, and shall be governed and controlled by the code of civil procedure, as in other civil actions; and the

conflicting claims of parties to the fund aforesaid shall be determined by the court, or by a jury trial, according as the claim is equitable or legal, in the same manner as if the land had not been converted into money.

SEC. 21. That in all cases where any corporation authorized by law to make appropriation of private property, has taken possession of, and is now occupying or using the land of any person or persons for any purpose, or shall hereafter take possession of, use or occupy such land for any purpose, and which land so occupied or used has not been appropriated and paid for by such corporation, or is not held by any agreement in writing with the owner or owners thereof, the owner or owners, or either of them, may serve notice in writing upon the officer of such corporation, upon whom a summons may be served, as provided by law, to proceed under this act to appropriate said land; and on failure of such corporation for ten days so to proceed, the owner or owners as aforesaid may file a petition in the probate court of the proper county, setting forth the fact of such use or occupation by said corporation, of said land, that the said corporation have no right, legal or equitable, thereto, that the notice provided in this section has been duly served, that the time of limitation under said notice has elapsed, and such other facts, including a pertinent description of the land so used or occupied, as may be proper to a full understanding of the facts; and thereupon a summons shall issue, and be served upon said corporation, and thereafter the proceedings in said court shall be conducted to final judgment in all respects as provided in this act; and if said corporation shall fail to pay such judgment and costs as may be awarded against them in this proceeding, the same may be collected by execution as in other cases: Provided, that this section shall not be construed in any manner to impair or lessen the right the owner or owners may have to proceed against said corporation as in all other cases of the unlawful entry upon lands.

Proceedings where property is held without agreement.

SEC. 22. If execution issued as provided in section twenty-one, shall be returned unsatisfied, in whole or in part, with the indorsement that no goods or chattels, lands or tenements can be found whereon to levy, or if said judgment shall remain unsatisfied for more than sixty days from the rendition thereof, the court may, by injunction, restrain such corporation from using or occupying said lands until such judgment and costs shall be fully paid.

Injunction in case of unsatisfied execution.

SEC. 23. In all cases arising under this act after the corporation shall have satisfied the court affirmatively, upon the inquiries provided for in section three, the party whose property is sought to be appropriated for the use of any corporation shall be considered to hold the affirmative, and shall be entitled to the rights in argument to the jury, or otherwise secured to the party holding the affirmative by the code of civil procedure.

Rights of owner in certain cases.

SEC. 24. The jurors summoned and attending or serving in accordance with the provisions of this act, shall each receive the same fees per day as are provided by law for jurors in the court of common pleas for their services, and

Fees of jurors, sheriffs, &c.

also five cents per mile for every mile of the distance they may be compelled to travel in the discharge of their duties; the witnesses shall be allowed the same fees and mileage as are now allowed for attendance in the court of common pleas; the sheriff shall be entitled to such fees as he may be allowed by law for similar services in other cases, but he shall not be allowed anything in the way of poundage, except on moneys made on execution and sale of property; the clerk shall be entitled to a fee of one dollar and fifty cents for drawing and certifying to the probate judge the list of jurors; the probate judge shall be allowed to enter a charge of five dollars in the cost bill for each day occupied in the trial of said cause, in addition to his fees as are now provided by law; and the whole costs so taxed shall be adjudged against and paid by the corporation seeking to make such appropriation: Provided, that such corporation, by its proper officer, agent or attorney, may, at the time of filing the petition at the commencement of the proceedings with the probate judge, deposit with said probate judge such amount in money for each separate parcel of property, as it may deem a just and equitable compensation for the property and rights described in the petition, and sought to be appropriated: and if the final verdict of the jury as to any parcel of property shall not exceed the amount so deposited, the whole costs of the proceedings as to such parcel, shall be equally divided between the corporation and the owner or owners of such property, in case of the refusal of the said owner or owners after notice of such deposit to accept the same; and if the final verdict as to any parcel or parcels shall exceed, and as to other parcel or parcels not exceed the amount deposited, the probate judge shall apportion the costs in such manner as he shall deem equitable and just.

Costs.

Limit of provisions of this act.

SEC. 25. That the provisions of this act shall not apply to proceedings by state, county, township, district or municipal authorities, to appropriate private property for public uses, or for roads or ditches, except in cases when such proceedings have hitherto been had under acts or parts of acts repealed by this act; and in all such cases it shall be optional with such authorities to pay the judgment rendered against them according to section ten hereof, or to pay the costs and decline to take the property sought to be appropriated.

Acts repealed.

SEC. 26. The act entitled "An act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, (S. & C., p. 311, *et seq.*) and the act supplementary thereto, passed March 14, 1853, (S. & C., p. 316,) and the act supplementary thereto, passed April 25, 1854, (S. & C., p. 370,) and the act amending the fifth section of said original act, passed and took effect April 8, 1856, (S. & C., p. 312), and an act supplementary to said original act, as passed April 30, 1852; passed April 6, 1865, (S. & S., pp. 114, 115,) and the act supplementary to said original act as passed April 30, 1852; passed May 2, 1871, (O. L. vol. 68, pp. 130 and 131,) and all acts and parts of acts of contradictory to or inconsistent with the provisions of this act, be and the same are hereby repealed: Provided,

that no proceedings had under any law herein repealed or modified, nor any proceedings now pending under any of the provisions of said acts repealed or modified by this act, shall be affected by such repeal or modification; but all such proceedings now pending shall be conducted and completed under the provisions of the laws now in force.

SEC. 27. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To amend section six of "An act to provide for the election, qualification and removal from office of the Clerks of the Courts of Common Pleas, and to prescribe the manner of filling vacancies in said office," passed January 31, 1852. (S. & C., p. 232.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section six of "An act to provide for the election, qualification and removal from office of the clerks of the courts of common pleas, and to prescribe the manner of filling vacancies in said office," passed January 31, 1852, be amended so as to read as follows, to-wit:

Section 6. That each and every clerk of the respective courts, shall keep his office at the seat of justice in his proper county, and every clerk failing so to do, shall be deemed and taken to have resigned the same; and in case a vacancy shall happen in the office of clerk in any county in this State, by death, resignation, or otherwise, the commissioners of said county are hereby authorized to appoint a clerk pro tempore, who shall hold his office until the second Monday of February succeeding the October election, next ensuing such appointment, and until his successor shall be elected and qualified: Provided, said appointments shall have been made at least twenty days prior to said October election; otherwise said clerk so appointed shall continue in office under and by virtue of his said appointment, until the second Monday of February next succeeding the October election, to be held in the year next thereafter, and until his successor shall be elected and qualified. But if said commissioners shall fail to make said appointment within the time herein specified, then the auditor of said county shall forthwith make such appointment. And all clerks now in office, or who may hereafter be elected, shall continue in office until the second Monday of February, succeeding the October election, at which their successors shall be elected, and until their successors shall be elected and qualified.

Vacancy in
office of
clerk, how
filled, &c.

SEC. 2. That original section six of said act is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MÜELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To amend section sixteen, and repeal section seventeen of an act entitled "An act relating to Ditches," passed April 12, 1871. (O. L., vol. 68, page 60.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section sixteen of the above entitled act be amended so as to read as follows:

How ditches
 shall be kept
 in repair, &c.

Duty of
 county audi-
 tor.

Section 16. For the purpose of keeping any ditch open and in good repair, that is now or may hereafter be constructed under any laws of this State, any two of resident land owners through whose land said ditch passes, may make their statement in writing to the county auditor; said statement shall contain what repair they deem necessary, together with an estimate of the amount necessary to clean out and repair the same, on each tract of land, through which said ditch runs, and shall set forth the necessity of cleaning out and repairing said ditch. Upon receiving said statement in writing as aforesaid, signed by any two of said resident land owners, the county auditor shall forthwith appoint one disinterested freeholder, of the county through which said ditch passes, who shall be sworn to go upon the line of said ditch, and examine the same carefully, and make his report in writing to the county auditor, fixing the amount that each land owner should contribute to make the repair of said ditch, according to the benefits derived; also, the amount of work each land owner should be required to perform in repairing said ditch. Upon receiving said statement in writing, of said disinterested freeholder, as aforesaid, the county auditor shall forthwith notify the owner or owners of said tracts of land, through which said ditch runs, or their agents, so far as their residence is known to said auditor, directing him, her or them, to clean out and repair said ditch through his, her or their said tract or tracts of land, within six months from the date of said notice; said notice to be in writing, and sent to said owner or owners by mail or otherwise. But if the residence of the owner or owners of any such tract of land, or of his, her or their agent, is not known to the auditor, it shall be the duty of the auditor to cause to be posted

up in at least three of the most public places in the township or townships in which said ditch may be located, written notice of the time required for the cleaning out and repair of said ditch, with the amount that will be levied against said tract or tracts of land. If the said ditch shall not be repaired within the time specified, immediately after the expiration of said six months, the county auditor shall appoint some disinterested person, a resident of the township in which said ditch, or some part thereof is located, to examine said ditch and determine whether it has been cleaned out and repaired as directed in said notice. Said person so appointed shall go upon said ditch and examine the same, and shall make his report in writing to the auditor; and if such report declare the ditch to be cleaned out and repaired to its original capacity, the owners of the land through which the ditch is so cleaned out and repaired, shall be discharged from further obligations under said application and notice; but if said ditch is not cleaned out and repaired to its original capacity, on any of said tracts of land through which said ditch runs, then in that case the county auditor shall assess the amount estimated in said statement of said disinterested freeholder, against said delinquent tract or tracts of land, and collect the same as other taxes, and the county auditor shall forthwith give notice, and sell said cleaning out and repair of said ditch to the lowest bidder, according to the provisions of the act to which this is an amendment. The person appointed by the county auditor to examine said ditch, shall be entitled to receive two dollars per day for his services, to be paid out of the county treasury, on the warrant of the county auditor. It shall be the duty of the county auditor to file and keep in his office, subject to inspection, all the papers provided for in this section.

Examination
of ditch, &c.
Fees.

SEC. 2. That original sections sixteen and seventeen of the act to which this is an amendment, be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

Relative to the appointment and duties of a reporter of the Supreme Court, and the preparation, publication and distribution of reports of said court.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the supreme court shall appoint a re-

Supreme court to appoint a reporter—his bond.

porter, removable by its order, for such term as it may deem advisable, not exceeding three years, who shall give bond to the state of Ohio, with sufficient sureties, to be approved by the court, in the penal sum of five thousand dollars, conditioned for the faithful discharge of all and singular the duties of his office, and shall take and subscribe an oath endorsed on said bond, that he will perform such duties with correctness, impartiality and fidelity, to the best of his ability. Said bond shall be filed and kept in the office of the secretary of state; and suit may be had thereon for any breach of its conditions, in the name of the state of Ohio, on the relation of any citizen thereof, or of the attorney general: Provided, the court may, in its discretion, designate and appoint as such reporter the clerk of said court or the attorney general.

Reporter shall attend sessions and consultations.

SEC. 2. That said reporter shall, when required by the court, attend its sessions and consultations, and under its direction report and prepare for publication its decisions, and such other decisions as it may designate.

Decisions to be reported.

SEC. 3. That said court shall cause to be reported with as much brevity as practicable, each of its decisions, whether made in disposing of a motion or otherwise, that determines any theretofore unsettled, or new and important, or modifies any therefore settled question of law in this state, or that gives construction to a statute of ambiguous or doubtful import, together with such other of its decisions as may be deemed of public interest and importance.

Report of each case to be delivered to supervisor of printing.

SEC. 4. That it shall be the duty of said reporter, immediately after the decision of any case to be reported, to prepare for publication a report thereof, under the direction and supervision of the court, and in general conformity with the plan hitherto adopted and pursued, and deliver the same, in manuscript, to the supervisor of public printing or other officer having charge of the state's printing, and take his receipt therefor, which receipt shall be filed in the clerk's office, with the other papers in the case: Provided, that no arguments of counsel shall be published with said report, other than a brief of the points made, and authorities cited, and relied upon by such counsel, unless especially ordered by the court.

Advance forms of sixteen pages to be published.

SEC. 5. That whenever said supervisor or other officer as aforesaid, shall receive sufficient manuscript reports as aforesaid to make a form of sixteen pages of printed matter of the size and kind herein required, he shall deliver the same to the printer having the contract for the printing thereof, who shall forthwith cause the same to be set up in a form as aforesaid, and after such form shall be duly corrected and approved by such supervisor or other officer and said reporter, shall print thereof three thousand copies of such reports, which said copies shall be delivered to said supervisor or other officer. Said manuscript shall likewise be returned to said supervisor or other officer, to be by him kept, subject to the order of said reporter.

SEC. 6. That on receiving said copies, said supervisor or other officer shall deliver to the secretary of state a sufficient

number of the same to supply the state officers, judges of the supreme court, courts of common pleas and superior courts, and clerks of the courts of common pleas, for the sole use of their offices respectively, with one copy each; and said secretary shall forthwith forward the same by mail to said officers respectively. The remainder of said copies said supervisor or other officer shall carefully preserve till a full volume shall be so printed, and shall then cause the same to be bound as hereinafter provided.

Sheets to be delivered to secretary of state for distribution.

SEC. 7. The said report shall be printed on good paper, and bound in law-leather, in style not inferior to volume one Ohio State Reports, and shall be in form and manner of execution similar thereto; and each volume thereof shall contain all the cases for report and prepared, decided during the year ending on the first day of April immediately preceding the publication of such volume, and such others theretofore decided as the court may direct: Provided, the court may, for the sake of uniformity in the size of said volumes, or for other good cause, direct a volume to be closed on a different day, and the issuance thereof with a less or greater number of cases. And each volume shall contain an index and table of cases similar to those in said volume one, which said reporter shall prepare and furnish to said supervisor or other officer, to be printed, delivered and distributed as aforesaid, in time so as not to delay the publication of such volume.

Style of bound volumes.

Index.

SEC. 8. That when the printing of any volume shall be completed as aforesaid, said supervisor or other officer shall cause the copies thereof not distributed as aforesaid, to be bound according to law, and shall deliver the same so bound to the secretary of state, together with a statement of the actual cost to the state of publication per volume; and said secretary shall forthwith send by mail to the several clerks of the courts of common pleas in the state, such statement of cost per volume, with ten per centum added thereto. And thereupon, on the receipt in money of said price, with such per centum added per volume, accompanied with a certificate to be made and delivered without cost, of any such clerk under seal, or other satisfactory evidence that each copy of said report thus sent for, is for the actual use of some person being a citizen of this state, said secretary shall pay such money into the state treasury, and forward such copy or copies to the person or persons so transmitting the price thereof: Provided, no more copies shall be sold in any county than would be sent thereto, were the whole edition distributed among the several counties according to their population respectively.

To be bound and delivered to secretary of state.

Distribution by mail.

SEC. 9. That after receiving the number of copies of the first edition of any such report necessary for the distribution authorized by law, and a sufficiency in addition to supply the probable demand for actual use in this state, the residue thereof shall be disposed of in such manner, by way of exchange for works on law and equity for the use of the state law library, or otherwise, as the supreme court or the general assembly by resolution shall direct: Provided, said court shall not authorize the sale of any volume for less than the

Disposition of residue.

cost price thereof, with ten per centum added; and, provided further, that no volume of the first edition of any such report shall be sold, or offered for sale in this state, to any citizen thereof, for more than such cost price with twenty per centum added; and any person violating this provision shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than ten nor more than one hundred dollars.

Commission-
ers of print-
ing to con-
tract for
printing.

SEC. 10. That the commissioners of public printing shall, at the same time and place, in the same manner and under the same restrictions and requirements that they advertise and let the other public printing of the state, advertise and let the printing required by this act to be done; and also for the printing under the same contract of the Ohio Reports required by the act of May 1, 1871, to be published. Each volume of said reports to be equal in quality and mechanical execution, to volume one Ohio State Reports. And the binding herein required shall likewise be provided for by said commissioners: Provided, they shall cause the same to be done at the binding department of the deaf and dumb asylum, if in their judgment that be practicable.

Binding.

Reporter to
procure copy
right—his
compensa-
tion.

SEC. 11. That said reporter shall secure a copyright for the use of the state for each volume of said reports so published. And he shall receive such compensation for his services under this act, not exceeding one thousand dollars during any year, payable out of the state treasury, in such installments as the court may, by order entered on its journal, direct.

Acts re-
pealed.

SEC. 12. That the act entitled "An act regulating the publication of Ohio reports," passed April 14, 1854, and the act amendatory of sections one and two thereof, passed April 11, 1865, and section eight of the "Act relating to the organization of courts of justice and their powers and duties," passed February 19, 1852, be and the same are hereby repealed: Provided, that nothing herein shall interfere in any manner with the publication or sale of the twenty-first or any preceding volume of Ohio State Reports, but the same may be published and sold as if this act had not passed. And the present reporter of the supreme court, for the purpose of completing the twenty-first volume of Ohio State Reports, may continue in office under the present appointment, and discharge the duties thereof, and upon the same terms as heretofore, until such time as said court shall have rendered a sufficient number of decisions, with those already in the hands of the reporter, to complete said twenty-first volume. And as soon as said decisions are rendered, the court shall forthwith appoint a reporter under the provisions of this act.

Current vol-
ume to be
published by
present re-
porter.

Secretary of
state may
contract in
lien of the
foregoing
provisions.

SEC. 13. That in lieu of the letting and printing and binding of said reports by the means aforesaid, said secretary of state is hereby authorized, within two months after the passage of this act, and as often thereafter as authorized by joint resolution of the general assembly, to contract with any responsible person or firm of the state of Ohio, to furnish the material and to print and bind in the manner, in all respects, and with the expedition provided in this act, a sufficient num-

ber of copies of each volume of said reports to supply the state with 350 copies, and the demand of the citizens of this state, at a cost not exceeding \$2.50 per volume, delivered at some convenient point within this state; and in addition thereto to furnish said secretary promptly with a requisite number of advance sheets of such reports, in manner aforesaid, for distribution as aforesaid, and the price per volume of said reports to any person or firm in this state shall not exceed the sum named in the contract with said secretary as aforesaid, for a period of twenty years: Provided, that nothing in this act shall prevent the person or firm so contracting with said secretary, as aforesaid, from doing or causing said work to be done outside of the state of Ohio; and such person or firm so contracting shall enter into bonds to the state of Ohio, with at least three good and sufficient sureties, residents of the state, to the satisfaction of the governor, in the penal sum of \$10,000, conditioned for the printing and binding, as provided in this act, of such reports for the state, and for citizens thereof, on demand, as aforesaid, at a cost named in such contract, and for the furnishing of such advance sheets for distribution, as aforesaid. Such contract shall not be for a longer period than two years. Such contractor shall have the sole and exclusive right to publish such reports, so far as the state can confer the same, during said period of two years, and shall be furnished with the manuscript to be printed, as provided in this act.

Bond of contractor.

Contract limited to two years, &c.

SEC. 14. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To punish fraudulent practices by mortgagors of personal property.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any mortgagor of personal property in possession of the same, who shall, without the consent of the mortgagee, remove the same or any part thereof out of the county where it was situated when it was mortgaged, or shall secrete the same, or any part thereof, within said county or elsewhere, or shall sell or convert the same or any part thereof to his or her own use, with intent thereby to cheat or defraud the mortgagee, or to deprive him or her of his or her security, shall be deemed guilty of a misdemeanor, and shall be punishable therefor on conviction by a fine not exceeding five hundred dollars, or by imprisonment in the county jail

Penalty for removing mortgaged personal property out of county.

not to exceed three months, or both, at the discretion of the court.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To amend section one of an act passed March 31, 1859, supplementary to an act entitled "An act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, [O. L., vol. 55, page 186,] and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Belmont, Stark and Williams," passed April 4, 1859, [O. L., vol. 56, p. 303,] and to repeal an act therein named. [S. & S. p. 629.]

Amendment
of section
one.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the first section of the act entitled "An act supplementary to an act entitled an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Belmont, Stark, Ottawa and Williams, passed April 4th, 1859," be and the same is hereby amended so as to read as follows :

Section 1. That the provisions of an act entitled "An act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson, passed April 12, 1858, be and the same are hereby extended to the counties of Meigs, Henry, Belmont, Stark, Ottawa and Williams.

SEC. 2. That said original section one be and the same is hereby repealed.

Construc-
tion of this
act.

SEC. 3. That the true intent and meaning of this act is to exempt the county of Auglaize from the operation of the provisions of the above entitled act, passed April 4, 1859, and the acts and parts of acts amendatory thereto.

Pending
prosecutions
not to be dis-
turbed.

SEC. 4. That all prosecutions pending in the court of probate in the county of Auglaize at the time of taking effect of this act, shall be continued upon the information now filed in the court of common pleas of said county of Auglaize ; and the probate judge of said county of Auglaize is hereby directed to transmit to said common pleas court all informations and recognizances now on file in his office and not disposed of.

SEC. 5. That an act to amend an act entitled "An act supplementary to an act defining the jurisdiction and regulating the practice of probate courts in the counties of Erie, Lucas, Richland, Holmes, Montgomery, Delaware, Franklin, Scioto and Jefferson," passed April, 12, 1858, and to extend the operation of said act to the counties of Meigs, Mercer, Auglaize, Lawrence, Harrison, Henry, Licking, Belmont, Stark, Ottawa and Williams, passed May 1, 1861, be and the same is hereby repealed. Repeal.

SEC. 6. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

Supplementary to an act entitled "An act defining the jurisdiction and regulating the practice of probate courts," passed March 14, 1853. (S. & S., 625); amended February 20, 1866.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That whenever an executor or administrator shall present to the probate court for its allowance, any debt or claim of which he is the owner, against the estate which he represents, amounting to twenty-five dollars or more, it is hereby made the duty of the judge of said probate court to fix a day, not more than four weeks from the presentation of said debt or claim, when the testimony touching said debt or claim shall be heard; and said probate court shall forthwith issue an order directed to said executor or administrator, requiring him to give notice in writing to all the heirs of said decedent interested in said estate, and such creditors as are therein named, which notice shall contain a statement of the amount claimed, and designate the time fixed for hearing the testimony, and shall be served upon the persons named in said order, at least twenty days before the time fixed for such hearing; and if any of the persons mentioned in said order are non-residents of the county, service of said notice may be made upon them by publication for four consecutive weeks in a weekly newspaper, published or circulating in said county.

Procedure on presentation of claim to probate court.

SEC. 2. Upon the hearing as to the allowance of said debt or claim by the said court, exception may be taken to any decision of the court upon any matter of law, by any person who may be affected thereby, and bills of exception may be taken and allowed, and proceedings in error had after a final order or judgment as is provided in other cases; and appeals may be taken to the court of common pleas of the proper county from any order or judgment of the probate court al-

Exception and appeal to common pleas, etc.

lowing or disallowing such debt or claim or any part thereof, by any person against whom such order or judgment may be made or who may be affected thereby, when the amount claimed by such executor or administrator exceeds one hundred dollars; and the matter so appealed shall be tried, heard and decided in said common pleas court in the same manner, and the proceedings therein shall be the same as nearly as may be practicable, as if the said common pleas court had original jurisdiction thereof; the person so appealing shall, within twelve days after the making of such order or judgment, give a written undertaking to the state of Ohio for the use of the persons who may be interested therein, with one or more sureties to be approved by the probate judge, conditioned that the person appealing shall pay all costs which may be awarded against him in the appellate court, and shall be in such amount as the said probate judge may prescribe.

SEC. 3. This act shall apply to all cases now pending, and shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 23, 1872.

AN ACT

To amend section twenty-six of an act entitled "An act relating to roads and highways," passed March 9, 1868. (S. & S., page 668.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section twenty-six of the above named act be amended so as to read as follows:

Supervisor of
roads to give
certificate of
timber, etc.

Section 26. That each and every supervisor of roads and highways, or supervisor or superintendent of any free turnpike, improved or other macadamized road, having no gate thereon, who shall cut and take any timber, stone or gravel, for the purpose of making, improving or repairing any road or building, or repairing any bridge or crossway within his district, on demand of the owner or owners of the lands, their agent or agents, or the guardian or guardians of any ward, or the executor of any will having the lands in charge from which timber, stone or gravel were taken as aforesaid, shall give a certificate showing the quantity of such timber, stone or gravel, with the value thereof respectively, and the time and purpose for which the same were taken.

SEC. 2. That section twenty-six of the act herein named be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 23, 1872.

AN ACT

To enable the board of public works to rebuild the Providence dam on the Miami and Erie canal.

WHEREAS, The board of public works report that the Providence dam, on the Miami and Erie canal, is in a dilapidated and ruinous condition, by which the navigation of said canal is greatly impeded; and said board further report that it will require about twenty-two thousand dollars to rebuild said dam, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works be and they are hereby directed to rebuild said dam; and that there be and is hereby appropriated, out of the general revenue fund, twenty-two thousand dollars, or so much thereof as may be necessary to complete said work, which said sum of twenty-two thousand dollars shall be reimbursed to the state out of the means of the public works.

Board of public works to rebuild dam — appropriation therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

Relative to putting up, inspecting, and sale of Fish.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That a barrel of fish shall contain two hundred pounds, and every vessel or package being or purporting to be a fractional part of a barrel of fish, shall contain a like fractional part of two hundred pounds net, of fish, exclusive of salt, brine and package. And every barrel or other vessel of fish put up or sold in this State, shall have the number of pounds of fish contained therein distinctly branded upon the head thereof.

What a barrel of fish shall contain.

SEC. 2. That every person or firm engaged in packing fish, or repacking, or selling packed fish in this State, may enter into bond to the State of Ohio, with two or more sureties, to the satisfaction of the clerk of the court of common pleas of the county wherein such person or firm shall be so engaged, in the penal sum of five thousand dollars, conditioned for the putting up, packing, or repacking, and branding of fish, according to law. Such bond shall be deposited and kept in such clerk's office, and may be proceeded on by any person aggrieved by reason of the non-compliance with any condition thereof.

Packer may enter into bond.

SEC. 3. That every person or firm so entering into bond, shall have authority to inspect and brand all fish so put up,

Privileges
and duties of
packers.

and packed or sold by him or it: Provided, that the brand shall set forth the full name and place of business of such person or firm, the quality, kind and weight of fish, so put up or sold. And such brand shall be a full guarantee of the facts so set forth, and for any breach thereof, such person or firm shall be liable on such bond.

Penalty for
neglecting to
brand, or sell
fish not
branded.

SEC. 4. That it shall be unlawful for any person to put up or pack any barrel or other vessel of fish without the weight, quality and kind of fish contained therein, being branded thereon, as provided by this act, or knowingly to sell or offer for sale any such barrel or other vessel of fish hereafter put up without being so branded, or having in fact less quantity or a different quality or kind than that represented in the brand, unless the variation shall be distinctly and plainly noted in writing upon a card fastened upon the head of such barrel or vessel at the time of the sale or of the offer to sell; and every person so offending shall, for ever such offense, forfeit and pay a penalty not less than ten nor more than one hundred dollars and costs, recoverable before any justice of the peace having jurisdiction, at the suit and for the use of any person aggrieved, and shall, moreover, be liable in an action for damages.

SEC. 5. That this act shall take effect on the first day of July, 1872.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To amend section six (6) of an act to establish "Ohio Soldiers' and Sailors' Orphans' Homes."

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section six (6) of the above recited act be so amended as to read as follows:

Age of pupils
to be receiv-
ed into the
Home.

Section 6. There shall be received into said homes the children residing in Ohio of deceased, indigent and permanently disabled soldiers and sailors who served in the land and naval service of the United States during the late rebellion, that are by said board ascertained to be destitute of the means of support and education; and they shall be furnished a support and education at said homes until they arrive at the age of sixteen years, unless for good reason sooner discharged: Provided, however, that said board may permit such of said children and youth as they deem proper to remain as inmates of said homes, and receive all the benefits thereof, until they are eighteen years of age; and provided further, that other indigent orphan children, resident of this

state, and under the age of fifteen years, may, at the discretion of the board of managers, be received into said homes, and there supported and educated as the other children hereinbefore mentioned, if there be room in said home or homes more than sufficient for such children first above mentioned as may be received therein.

Other indigent children admissible.

SEC. 2. That section six of the above recited act be and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 25, 1872.

AN ACT

To amend section 287 of an act entitled "An act to establish a code of Civil Procedure," passed March 11, 1853, as amended by the act of April 28, 1862. (S. & S., page 555.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section 287 of the act entitled "An act to establish a code of civil procedure," passed March 11, 1853, as amended by the act of the general assembly, passed April 28, 1862, be so amended as to read as follows :

Section 287. A judge in vacation, upon the written consent of the parties, may make any order of reference which the court of which he is a member could make in term time. If a reference has already been directed in any action, pending in a district court in which the parties are not entitled by the constitution of this state to a trial by jury, in case of the death, sickness or other disability, or declination to serve of the referee, or either of the referees or master commissioner, any judge in vacation, being a member of the district court directing such reference, upon the written consent of the parties, or upon the written application of either of them, setting forth therein such prior order of reference, the death, sickness or other disability, or declination to serve of the referee or master commissioner, and after reasonable notice in writing to the other party, or his attorney, of the time and place of making such application, may direct another reference of all the issues included in the prior reference; and if the parties do not agree upon a suitable person or persons, said judge shall appoint the same number of referees, or a master commissioner, as were appointed by the court in the prior order of reference. Whenever a reference is directed under this section, the order of reference shall be made on the written agreement of the parties to

Order of reference, and new referee in vacation.

refer, or on such written application, and shall be filed, together with the notice aforesaid, if the same be not upon consent, with the clerk of the court, with the other papers in the case.

SEC. 2. That said amended section be and the same is hereby repealed, and this act shall take effect and be in force from and after its passage, and be applicable in any action now pending.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 23, 1872.

AN ACT

Further to prescribe the duties of county commissioners.

Commissioners to employ surveyor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the commissioners of any county in this state which is composed, in whole or in part, of Virginia Military lands, whenever in their opinion the public interest requires it, may contract with the county surveyor, or any other competent surveyor, to survey and plat all or any part of the Virginia Military lands within such county as herein-after provided.

Duties of surveyor.

SEC. 2. The county commissioners, whenever any such survey and platting shall be ordered or contracted for, shall require the surveyor to survey and plat not less than one entire original survey of such lands, giving the boundary lines of such survey, and the boundary lines of each tract, lot or parcel of land, other than town lots, within such survey, entering upon each tract, lot or parcel of land, the name of the owner thereof, the number of acres contained therein, and each tract, lot or parcel of land therein shall also be numbered in consecutive order, commencing with number "one" in each original survey, and continuing the series of consecutive numbers throughout such survey.

Entry on duplicate.

SEC. 3. After any such survey and platting shall have been made, the county auditor shall enter upon the duplicates opposite the name of each owner of a tract, lot or parcel of land, the number of such tract as the same shall appear upon said plat, so that the description of such lands shall appear upon the duplicates as sub-division number , of original survey number , and whenever any such tract, lot, parcel or sub-division of land shall thereafter be divided into smaller sub-divisions or tracts, the county auditor shall continue the same series of consecutive numbers, both on the plat and duplicates, applying the next higher number to the new sub-division so made. The county auditor shall also, whenever such new sub-division is made, draw the boundary lines thereof upon said plat or map in a different color from the boundary lines originally made thereon by the surveyor.

SEC. 4. The county commissioners shall require the surveyor employed by them to make such plats or maps of original surveys in such form as will be suitable for preservation, and the same shall be filed and kept in the office of the county auditor; and the commissioners of any such county are hereby authorized to procure from the original records of Virginia Military lands, at Chillicothe, a copy of all original surveys made from the year 1852 to 1857, inclusive, and to pay for the same out of the county funds.

Plats or maps to be made.

SEC. 5. Whenever any such survey and platting as herein provided for shall have been completed, the county commissioners are hereby authorized and required to order the county auditor to issue his order on the county treasurer in favor of such surveyor, for the amount agreed upon, in the contract, and the treasurer shall pay the same out of the county funds.

Payment for survey, etc.

SEC. 6. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 25, 1872.

AN ACT

Supplementary to an act entitled "An act prescribing the rate of taxation for county, bridge, road and township purposes," passed May 1, 1871. (O. L., vol. 68, p. 116.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the levies authorized to be made under the act to which this is supplementary, shall be found to be inadequate to meet the annual expenses for county purposes, other than expenditures for roads, bridges, county buildings, sites thereto, and the purchase of lands for infirm-ary purposes, the county commissioners shall have power to increase such levy, not exceeding six-tenths of a mill on the dollar: Provided, that the levies for other funds shall be reduced in the same proportion, and that the total levies for all purposes shall not be in excess of the levies authorized by law.

Increase of levy in certain cases.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 25, 1872.

AN ACT

To fix the times for holding the district courts in the counties of Williams, Fulton, Henry, Defiance, Wyandot, Crawford, Marion, Hancock and Seneca, in the year 1872.

Times for holding district court in certain counties.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the district courts, for the year 1872, shall be held in the following counties, at the following times, to wit: In the county of Williams on the ninth, in the county of Fulton on the eleventh, in the county of Henry on the fifteenth, in the county of Wyandot on the nineteenth, in the county of Crawford on the twenty-second, in the county of Marion on the twenty-fifth, in the county of Hancock on the twenty-ninth, in the county of Defiance, on the sixteenth day of July next; and in the county of Seneca on the first day of August next: Provided, that nothing herein contained shall be construed to change or interfere with the times fixed by said judges for holding district courts in the remaining counties of said district.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 25, 1872.

AN ACT

Supplementary to an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed May 1, 1852, and the acts amendatory thereof. (S. & C., 271.)

Associations for detection of horse thieves, &c., authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be lawful for any company for the detection of horse thieves and other criminals, and the mutual protection of its members from crime, to become a body corporate in the manner prescribed in, and according to, the provisions of section sixty-six of the above recited act, as amended and took effect March 14, 1859, with all the powers and privileges granted to the other corporations organized under the provisions of said section: Provided, that any company for the purposes aforesaid, on complying with the provisions of this act, and the act to which this is supplementary, shall have power to establish one or more branches for the purpose aforesaid; and said company, or any of its

branches, shall have power to levy and collect assessments from its members, in any sum not exceeding three dollars from each member annually.

SEC. 2. This act shall take effect from its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 26, 1872.

AN ACT

To amend an act entitled "An act prescribing the rate of taxation for county, bridge, road and township purposes," passed May 1, 1871. (O. L., vol. 68, page 117.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections two, five and seven of the above entitled act be and the same are hereby amended so as to read as follows:

Section 2. That the commissioners of the respective counties in the state are hereby authorized, at a special session in May, 1872, and thereafter at the March session of their board, annually, to levy a tax for road and bridge purposes, as follows: In counties where the taxable property exceeds the sum of one hundred and twenty millions of dollars, not more than three-tenths of one mill; and in counties where the taxable property exceeds the sum of eighty millions of dollars, and less than one hundred and twenty millions of dollars, not more than five-tenths of a mill; in counties of fifty millions of dollars of taxable property, and less than eighty millions, not more than seven-tenths of one mill; in counties of less than fifty millions of dollars of taxable property, and more than twenty millions, not more than one mill and one-tenth of a mill; in counties where the taxable property is less than twenty millions of dollars, and over ten millions, not more than one and five-tenths mills; in counties where the taxable property is less than ten millions of dollars, and over five millions, not more than three mills; in counties where the taxable property is less than five millions of dollars, not more than five and five-tenths mills; and the auditor of the county shall place the same on the tax duplicate of the current year, to be included in and collected in the December installment of taxes, except as otherwise provided by law. The county commissioners shall set apart such portion of the road tax by them levied, as they may deem proper, to be applied to the building or repairing of bridges in their respective counties, which portion so set apart shall be called a bridge fund, and shall be entered on the duplicate of taxes for the county by the auditor of the county in a separate column from the other levies for road purposes, and shall be collected

Tax for road
and bridge
purposes.

Bridge fund.

Special tax
for repairs,
&c.

in money, and expended, except as may be otherwise provided by any local law heretofore enacted, under the direction of the commissioners of the county, in the building or repairing of bridges and culverts, or both, in their respective counties: Provided, that in case an important bridge belonging to or maintained by any county has been or hereafter may be destroyed by any casualty, or has become or may hereafter become dangerous to public travel, by decay or otherwise, and the restoration thereof may be necessary for the public accommodation, the commissioners of such county may levy a special tax for that purpose, not exceeding one and one-half mill on the dollar of the taxable property of such county, the proceeds of which tax shall be applied solely to the restoration of such bridge or bridges; and the commissioners may anticipate the collection of such tax by borrowing any sum not exceeding the amount so levied or to be levied, at any rate of interest not exceeding eight per cent., and issue notes or bonds therefor, payable upon the collection of such tax: Provided, further, that nothing herein contained shall affect the right of city councils to receive and expend the proportion of the levy herein, as authorized by the six hundred and forty-first section of the municipal code.

TOWNSHIP TAXES.

Township
taxes.

Section 5. There shall be levied annually for township purposes, including the relief of the poor, but not including the support of common schools, or the payment of the interest and principal of the debts of the township, such rates of taxes as the trustees of the respective townships may certify to the county auditors to be necessary, not exceeding one mill on each dollar of the taxable valuation of the property of the township which does not exceed two hundred thousand dollars, and eight-tenths of one mill on each dollar of such taxable valuation exceeding two hundred thousand dollars, and not exceeding three hundred thousand dollars; and one-half of one mill on each dollar of taxable valuation exceeding three hundred thousand dollars, and not exceeding five hundred thousand dollars; and one-fourth of one mill on each dollar of such taxable valuation exceeding five hundred thousand dollars: Provided, that in counties where there are no county infirmaries, a further township tax not exceeding two-fifths of a mill on each dollar of the taxable property of the township may be levied for the relief of the poor, to be applied solely to that purpose.

ADDITIONAL TOWNSHIP ROAD TAX LIMITED.

Additional
road tax.

Section 7. That if the trustees of any township shall deem an additional road tax necessary, they shall determine the percentum to be levied on the taxable property of their respective townships not exceeding one mill on the dollar, except in counties where the taxable property is less than ten millions, in which counties the trustees of the different townships thereof may, at their discretion, levy an additional road

tax not to exceed five mills on the dollar valuation of the taxable property of their said townships, and shall certify the same to the county auditor in writing on or before the first Monday of June in each year; and the auditor of the county shall assess the same on all the taxable property in the township, and the same shall be collected in the December installment and paid out as other taxes, except as is provided specially by law.

SEC. 2. That sections two, five and seven of said act be and the same are hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 26, 1872.

AN ACT

For the relief of the poor, and to repeal certain acts therein named. (O. L., vol. 62, p. 307; O. L., vol. 68, p. 131.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of each township in this state shall afford, at the expense of their township, public support or relief to all persons therein, who may be in condition requiring the same, subject to the conditions, provisions and limitations of this act.

Trustees of townships shall provide for the support of the indigent.

SEC. 2. Every person shall be considered to have obtained a legal settlement in any township in this state, in which he or she shall have continuously resided and supported himself or herself for twelve consecutive months, without relief, under the provisions of this act, subject to the following exceptions, viz:

Condition of settlements and exceptions.

1st. An indentured servant or apprentice legally brought into this state, shall be deemed to have obtained a legal settlement in any township in which such servant or apprentice shall have served his or her master or mistress for one year continuously.

2d. The wife or widow of any person whose last legal settlement is or was in any township in this state, shall be considered to be legally settled in the same township; but, if she shall not have obtained a legal settlement in this state, then she shall be deemed to be legally settled in the place where her last legal settlement was previous to her marriage.

SEC. 3. The settlement which a person has or shall have legally obtained in any township, shall continue to be therein until he or she shall have obtained a legal settlement elsewhere.

Continuance of settlement.

DUTIES OF TRUSTEES.

Complaint to trustees, and liability of township.

SEC. 4. Whenever any person in any township shall be in condition requiring public relief, complaint thereof shall be forthwith made to the township trustees by some person having knowledge of the fact; and thereupon the township shall be liable for all relief which may have been, or shall thereafter be, afforded to such person; but if such complaint be not made to the township trustees within such time as the same might, with reasonable diligence, have been done, then said township shall be liable for such relief only as may be furnished after complaint made.

Inquiry as to name, age, &c.

SEC. 5. Whenever complaint shall be made, as aforesaid, to the trustees of any township, that any person therein requires public relief or support, it shall be their duty forthwith to ascertain the name, age, sex, birth-place, length of residence, previous habits and present condition of such person, and especially in what township and county of this state, if any, he or she is legally settled.

REMOVAL OF PAUPER TO ANOTHER TOWNSHIP.

Notice to township where pauper has a legal settlement.

SEC. 6. Whenever it shall have been ascertained by the trustees of any township that any pauper therein has a legal settlement in some other township of this state, it shall be their duty, as soon as they shall have learned in what county such township is situated, to cause a notice of the fact to be placed in the postoffice, addressed to the trustees thereof, if their address is known; also, a like notice addressed to the auditor of such county, enclosing a postage stamp, who shall, upon receipt thereof, forward the same forthwith to such trustees.

Removal to such township.

SEC. 7. In addition to giving the notice provided for in the preceding section, the trustees giving the same shall cause such pauper; as soon as his or her health will permit, to be removed to the township, if known, in which he or she is legally settled, unless the trustees thereof, who are hereby authorized to do the same, shall have previously assumed the care and charge of said pauper; and thereupon said trustees shall receive and provide for said pauper, in the same manner as if he or she had originally become chargeable therein.

Costs of removal to be paid by township where legal settlement exists.

SEC. 8. The township in which such pauper is legally settled shall pay to the township whose trustees shall have given such notice, the necessary costs and expenses which have been incurred by them in his or her removal, together with all reasonable costs and charges for the relief of such pauper, which shall have been incurred by them, and upon refusal, may be compelled in a civil action brought against such township, in the name of the township entitled to the same, in the court of common pleas of the county in which either of said townships may be situated, any other act or statute to the contrary notwithstanding: Provided, that unless the notices required by the sixth section of this act, and placed in the postoffice within three days after the com-

plaint is made, as required by the fourth section of this act, the township furnishing the relief shall only be entitled to recover, as aforesaid, from the time of placing said notices in the postoffice.

REMOVAL OF PAUPERS TO ANOTHER STATE.

SEC. 9. The trustees of any township may remove any person becoming a charge upon such township, and who has no legal settlement in this state, to the state where such person has a legal settlement, unless such person shall give sufficient security to indemnify such township.

Removal to another state.

ACCOUNTS.

SEC. 10. That the trustees shall keep fair and accurate accounts of all expenses incurred for the support of the poor within their respective townships, and make entries in a book of the names of paupers, and the time when each became chargeable, together with an account of their own service rendered; which account shall be adjusted and settled on the first Monday of March annually; and the township clerk shall record the same in the township record, and issue an order on the township treasury for the amount thus paid, and their services rendered; and the trustees in each and every township shall issue orders on the township treasurer for any and all such demands as may accrue under the provisions of this act.

Account of expenses, &c.

AUDITING ACCOUNTS.

SEC. 11. No account shall ever be audited or allowed to the trustees of any township, or to any other person, for the support of the poor, unless the same be accompanied with the proper voucher, verified by the claimant or his agent, and duly certified by said trustees.

Vouchers requisite.

DEVISES AND BEQUESTS.

SEC. 12. That all gifts, grants, devises and bequests, that now are, or hereafter shall be made, of any houses, lands, tenements, rents, goods, chattels, sum or sums of money, to the poor of any township, by deed, gift, or by the last will and testament of any person or persons, or otherwise, shall be good and valid in law, and shall pass such houses, lands, tenements, rents, goods and chattels to the trustees of such township, and their successors in office, for the use of their poor respectively, under such regulations as shall from time to time be made by law.

Gifts, devises, &c.

COUNTIES HAVING NO INFIRMARIES.

SEC. 13. When the trustees of any township in any county having no county infirmary, shall be satisfied that any person in such township ought to have public relief, they shall afford such relief at the expense of their township, as in their opinion the necessities of such person may require,

Proposals for maintenance.

and when more than temporary relief is required, the trustees shall set up a notification in three public places in their township, specifying some time and place at which they will attend for the purpose of receiving proposals for the maintenance of such person, which notification shall be posted up at least seven days before the day therein named for receiving said proposals; and said trustees may contract with such person as they shall think suitable to take charge of and maintain such person, and who shall do the same on the most reasonable terms; but they shall not contract for the support of such person for a longer period than one year at any one time: Provided, that if the legal settlement of such person is not within this state, or is unknown, said trustees shall keep an accurate account of all moneys so expended, and certify the same, with the vouchers therefor, to the county commissioners, who shall cause the amount so paid to be refunded to the township out of the county treasury, on the warrant of the county auditor.

CITY INFIRMARIES.

Relief in
special cases.

SEC. 14. That upon complaint being made or information given to the directors of the infirmary for the accommodation of any city in this state, that any person residing in such city is in a condition that requires public assistance or support, said directors shall inquire into the condition and necessities of such person, and if satisfied that relief ought to be granted at public expense, and that such person requires temporary or partial relief only, and that for any cause it would not be prudent to remove such person to the city infirmary, such directors may, in their discretion, afford such relief, at the expense of the city, without removing such person to the city infirmary. And the directors of any city infirmary shall have the same power of removing paupers settled in some other township in this state, which by this act is conferred on township trustees, and shall have the same right of action against such township as is conferred on township authorities in like cases.

Relief to
persons
having no
legal settle-
ment.

SEC. 15. That it shall not be lawful for the directors of any infirmary erected and established in any city for the accommodation of its poor, to require the directors of the county infirmary of the county in which such city is situated, to receive and provide for persons having no legal settlement within this state, or whose place of residence is unknown, or to charge the county commissioners of the county with the expense of providing for such persons in the city infirmary; but the directors of such city infirmary shall furnish relief and support to such persons in said city infirmary applying therefor, as trustees of townships are, or shall be required to furnish, and shall have the like power of removing such persons as trustees of townships have, or may have: Provided, that the provisions of this section shall only apply to counties in which there is a county and a city infirmary.

SEC. 16. Whenever, in any county having an infirmary, the trustees of any township shall, after making the inquiry provided in the fifth section of this act, be of the opinion that the person complained of is in a condition requiring public relief, they shall forthwith transmit a statement of said facts, so far as they shall have been able to ascertain the same, to the directors of the infirmary, and if it shall appear that such alleged pauper is legally settled in said township, or has no legal settlement in this state, or that such settlement is unknown, and the said directors are satisfied that said alleged pauper requires public relief, they shall forthwith issue their warrant to said trustees, directing the superintendent of the infirmary to receive said pauper and provide for him or her in said institution; and, except in the cases provided for in the next section of this act, the said trustees shall, as soon as the health of said pauper will permit, cause him or her to be removed to the infirmary, and thereupon said directors shall certify to the correctness of the items contained in the bill of said trustees for costs and charges incurred by them in affording relief to said paupers, after complaint was made, together with the costs of said removal, which bill shall be paid on the order of the county auditor; and the failure of said trustees to transmit a statement of facts to said directors, as herein contemplated, shall not defeat the relief herein provided for; provided, also, that no physician or surgeon having rendered service to any pauper, shall for want of such notice be prevented from receiving a fair compensation for the services so rendered.

Removal to
county in-
firmary.

SEC. 17. If in any case the directors shall be of the opinion that the condition of said pauper be such as to render his or her removal inexpedient, or to require temporary or partial relief only, they may indorse the fact upon said warrant, and direct the trustees to keep, and afford the pauper such relief, in such manner and upon such reasonable terms as the directors shall prescribe, until the removal of the pauper becomes expedient, or where partial or temporary relief only is required, until the necessity therefor shall cease; and the expenses incurred therefor shall be paid as provided in section sixteen of this act.

Temporary
relief.

SEC. 18. It shall be the duty of township trustees to provide for all persons who may, upon application, be rejected by the directors of the county infirmary, under the seventeenth section of this act, whether such person or persons may require permanent, temporary or partial relief, in the same manner and to the same extent as is required of trustees of townships in the thirteenth section of this act.

Relief of per-
sons rejected
by county in-
firmary.

SEC. 19. In every county in this state in which there now is or hereafter shall be a county infirmary, there shall be a board of infirmary directors, composed of three electors, residents of such county, who shall be chosen by the qualified electors thereof at the general election. In every county in which an infirmary is now completed, one of said directors shall be chosen at each annual election, and shall hold his office for three years, or until his successor is chosen and qualified. And, in every county in which an infirmary shall be

Board of in-
firmary
directors.

hereafter completed, three directors shall be chosen as aforesaid at the first annual election thereafter, one for one year, one for two years, and one for three years; and at each succeeding annual election one director shall be chosen who shall hold his office for three years, or until his successor is elected and qualified; and the directors elected as aforesaid, shall, previous to entering upon the duties of their office, take an oath or affirmation, faithfully to discharge the same, and execute a bond, with two good and sufficient sureties, in a sum not less than two nor more than thirty thousand dollars, to the acceptance of the commissioners of the county; and the bond shall be payable to the state of Ohio, and conditioned for the faithful discharge of the duties of their office, which bond shall be filed with the treasurer of said county; and the board so qualified shall appoint a clerk of their own body, whose duty shall be defined by the board; and it is further provided, that all infirmity directors now in office shall execute a bond as above provided, on or before the fifth day of June, A. D. eighteen hundred and seventy-two. If any director shall fail to execute a bond as herein provided, the commissioners of said county shall declare his office vacant, and proceed to fill said vacancy as provided by law.

Oath and
bond.

Vacancies to
be filled.

SEC. 20. If any vacancy shall, in any manner occur in the board of directors, or in cases where an infirmity has been completed for the reception of the poor, and the commissioners of the proper county shall deem it right and proper that the management of such infirmity be placed under a board of directors, prior to the then next annual election, said commissioners are hereby authorized, in either case, to appoint said directors, who shall continue in office until their successors are elected and qualified, and shall have the same powers and be subject to the same duties as though they were elected.

Directors a
body cor-
porate, &c.

SEC. 21. That the board of directors, or a majority of them, shall form a quorum to transact business; shall be a body corporate and politic, with perpetual succession; and shall be known by the name of the board of directors of the county infirmity of county, (the name of their county,) and by that name they may sue and be sued, defend and be defended, in any court within this state; they may have a common seal, with the coat of arms of the state of Ohio, together with the name of the infirmity thereon, which they may alter or change; they may make all such contracts and purchases as may be necessary for the institution, and may prescribe such rules and regulations as they may think proper for the management and good government of the same, and for inducing the practice of sobriety, morality and industry among its inhabitants; they shall meet quarterly at the infirmity, or at such place as the commissioners of the county may designate, and the president may call a special meeting of the board at any time he may deem it necessary; and said board of directors shall keep a book, in which they shall record the proceedings of their meetings and all their transactions, which book shall at all times be open to the inspection of the public.

SEC. 22. That the county commissioners may allow the directors for their services in attending the regular and called meetings of said board, such sum as they may deem reasonable, not exceeding two dollars and fifty cents for each and every day so in attendance, to be paid out of the county treasury, after being allowed by the county commissioners, on the order of the county auditor.

Compensation of directors.

SEC. 23. That the board of directors shall appoint a superintendent, who shall reside in some apartment of the infirmary or other building contiguous thereto, and shall receive such compensation for his services such sum per annum as the board shall fix, to be approved by the commissioners of the county. He shall perform such duties as the board shall impose upon him, and be governed in all respects by the rules and regulations of the board, and may be removed by them at pleasure; but in no case shall the directors appoint one of their own number superintendent, nor shall any director be eligible to hold any other office, directly or indirectly, in the infirmary, or receive any compensation whatever, as physician, either directly or indirectly, wherein the appointing power is vested in the board of directors by this act, nor shall the superintendent thus appointed, be related to either of said directors by blood or marriage, or hold any other post in the infirmary. The superintendent may require all persons received into the infirmary, to perform such reasonable and moderate labor as may be suited to their age and bodily strength. And all moneys arising from labor, or articles or products sold, shall be paid into the county treasury, and shall be placed to the credit of the poor fund of said county. The superintendent shall receive into the infirmary any person who shall produce to him such an order or voucher as hereinafter required, and he shall enter in a book, to be provided by him and kept for that purpose, the name and age, as near as may be, of every person so received into the infirmary, together with the day on which such person was received and dismissed. Said superintendent shall, before entering upon his duties, execute a bond, with two or more sureties, to the acceptance of the board of directors, in a penal sum not less than two thousand nor more than twenty thousand dollars, as they may require, payable to the state of Ohio, and conditioned for the faithful discharge of his duties; and shall also take and subscribe an oath or affirmation, to be endorsed upon said bond, that he will faithfully and impartially discharge all the duties of his office; which bond, so endorsed, shall be deposited with the county treasurer. And it is further made the duty of the superintendent to require itemized bills for all labor or articles purchased and provided for the use of said infirmary or the farm connected therewith, and he shall certify over his official signature on the back thereof to the correctness of the same, and that such labor was performed or articles delivered for the uses aforesaid.

Superintendent—his duties, &c.

Bond and oath.

VISITATION.

SEC. 24. That the board of directors shall carefully examine the condition of the institution and the farm and the

Duty of directors.

paupers, the manner in which they are fed, clothed and otherwise provided for and treated; they shall ascertain what labor they are required to perform, and shall inspect the books and accounts of the superintendent at each regular and called meeting of the board.

Report to
county com-
missioners.

SEC. 25. The directors shall on the first Monday of March and September of each year, report to the commissioners of the county the condition of the infirmary, number of inmates therein, and such other information as the board think proper, with a full account of all moneys received and paid out, together with vouchers as provided in this act, and from whence received, to whom and for what paid out; and such report when made shall be examined by the commissioners, and if found correct and allowed by them, shall be entered in the minutes of their proceedings. And it is further provided, that no item in said account shall be allowed for which there is not a proper voucher as provided for in section thirty of this act; and said report and vouchers shall be filed in the auditor's office, and safely preserved by the auditor of such county.

APPRENTICING PAUPERS.

Children
may be ap-
prenticed.

SEC. 26. That the directors aforesaid, shall have power to bind out to apprenticeship, all such poor children as may belong to such infirmary; males until the age of twenty-one, and females until the age of eighteen years, in the same manner trustees of townships are authorized to do, by the provisions of the act entitled "An act concerning apprentices and servants;" provided, that whenever any such children shall be incapacitated by reason of some bodily or mental infirmity, from receiving the instruction contemplated in said act, they shall not bind the master or mistress to furnish the same.

REMOVAL OF PAUPERS TO ANOTHER STATE.

Removal to
other States.

SEC. 27. That in case any person shall be at present, or may hereafter be, in any infirmary, supported as a pauper, whose proper place of residence is in another state, it shall be lawful for the board of directors of such infirmary, to cause such pauper to be removed to his or her proper place of residence, in the same manner as township trustees are authorized and required to remove persons not legally chargeable in this state, and all the power and authority vested in the township trustees necessary to carry into effect the provisions of this section, are hereby conferred upon the directors of infirmaries for the purposes herein mentioned.

CONVALESCENT PAUPERS.

Discharge of
convalescent
paupers.

SEC. 28. That when any person has been, or shall be hereafter received into any infirmary as a pauper, on account of any infirmity or disease, the directors of such infirmary may, when in their opinion such person is so far restored to health

and bodily strength, as to be able to support himself or herself, direct the superintendent of such infirmary to discharge such person therefrom.

PROPERTY OF PAUPERS.

SEC. 29. In cases when persons are admitted into an infirmary as paupers, whether such person or persons be insane or otherwise, and such admitted person be possessed of, or owner of property, whether real or personal, or having an interest in reversion, or in any other manner legally entitled to any gift, legacy or bequest, of whatever nature or kind the same may be, the directors may, as soon after such admittance as they may think proper, take possession of all, or of any of such property or other interest such pauper may lawfully be entitled to, and sell or dispose of the same as hereinafter provided; and the net proceeds arising therefrom shall be applied in whole or in part, under the special direction of the directors, in such manner as they may think best, to the maintenance of such person, during the continuance of such person as a pauper in said infirmary; and the said directors may, at their option, admit or reject any person as a pauper who has not gained a legal residence in the proper county, as a sound discretion and the nature of the case may seem to require.

Disposition
of property
of paupers.

SEC. 30. Upon the death of any pauper in an infirmary, or who shall otherwise leave, or be in any lawful manner discharged therefrom, whose property or effects shall have been disposed of, and the avails thereof applied as provided for in the preceding section of this act, and if there remain, at the time of such leaving a balance due, and in favor of such pauper, on the books of the institution, such balance shall be repaid by the directors, or other authorized officer, to such pauper or other person legally entitled to receive the same.

Property of
deceased
paupers.

SALE OF PAUPER LANDS.

SEC. 31. In cases where persons are admitted into the infirmary as paupers, whether such persons be insane or otherwise, and such admitted persons be possessed of or the owners of property, whether real or personal, or having an interest in reversion, or in any manner legally entitled to any gift, legacy, or bequest of whatever nature or kind the same may be, the directors may as soon after such admittance as they may think proper, take possession of all or any of such property, or other interest such pauper may be entitled to, by giving ten days' notice to the heirs or legal representatives and guardian, (if said pauper have a guardian,) and shall cause said property when so taken, to be appraised by three disinterested freeholders, and shall advertise and sell or dispose of the same as hereinafter provided, and the net proceeds arising therefrom, shall be applied, in whole or in part, under the special direction of the directors, in such manner as they may think best, to the maintenance of such

Directors to
sell pauper
lands, &c.

person during the continuance of such person as a pauper in said infirmary, and the said directors may, at their option, admit or reject any person as a pauper who has not gained a legal residence in the proper county, as a sound discretion and the nature of the case may seem to require: Provided, that if the guardian, husband, wife, heirs or persons who may be entitled to the residuary interest in the property of said pauper, shall give bond to the state of Ohio, to the satisfaction of the directors, and shall pay into the county treasury of such county, at such times as the directors may require, an amount sufficient to support said pauper while he remains in the infirmary, in such case, the directors shall not take charge of said property.

Orders for
expenses on
county treas-
ury.

SEC. 32. That it shall be lawful for the auditor of a county in which an infirmary is situated, to receive any order or orders given by the directors and countersigned by the superintendent of said institution, to any person or persons for labor, provisions, medical attendance, or supplies of any kind furnished for said institution, and to give an order on the county treasurer, who shall receive the same, and pay out of any money in his hands appropriated for that purpose.

Notice, and
removal of
paupers.

SEC. 33. If, after a pauper shall have been removed to the county infirmary, it be ascertained that he or she be legally settled in a township in some other county in this State, the infirmary directors shall forthwith address notices to the trustees of such township, and the auditor of such county, as required in section six of this act; they shall also cause such pauper, as soon as his or her health will permit, to be removed to the township of his or her legal settlement, the trustees of which shall receive and provide for said pauper, as required in the seventh section of this act, and shall pay to said directors the reasonable costs charged and expenses incurred and expended by them for the relief and support and removal of such pauper; for which costs charged, and expenses, the said directors shall have and maintain an action against said township, in the court of common pleas of their own county, or the county in which such township may be situated, any other law to the contrary notwithstanding. And it is further provided, that all moneys received under the provisions of this section, shall be paid into the county treasury and credited to the poor fund of such county.

BRINGING PAUPERS INTO THIS STATE PROHIBITED.

Ingress of
paupers pro-
hibited.

SEC. 34. That if any person shall transport, remove, or bring, or cause to be transported, removed, or brought, any poor or indigent person from any city, township or county in this state, without lawful authority, and then leave any such poor or indigent person, with intent to make such city, township or county chargeable with the support of such pauper, each and every person so offending, shall forfeit and pay the sum of fifty dollars for each and every such offense, for the use of the poor of the city or township in which such pauper shall be left, to be recovered by civil action, in the name of the state of Ohio, before any court of competent jurisdiction.

SEC. 35. If any person shall willfully, and without lawful authority, bring, or cause to be brought, into this state, any poor or indigent person, or lunatic, without a protector, from any place without this state, and then leave or attempt to leave such person, with the intent to make the township, city or county in which such person shall be left or attempted to be left, chargeable with the support or maintenance of such person, each and every person so offending, shall forfeit and pay fifty dollars for every person so left or attempted to be left, to be recovered in the name of the state of Ohio, in a civil action before any court of competent jurisdiction, for the use of the poor of the city or township wherein such poor or indigent person or lunatic shall be left or attempted to be left, as aforesaid; and any person or persons guilty of either of the offenses specified in this section, shall be obliged to convey said indigent or poor person or lunatic out of this state, or shall give bond to the state of Ohio, with security to be approved by the trustees of such township, or the recorder of such city, for the maintenance of such poor or indigent person or lunatic: Provided, however, that in any county wherein the poor are supported in a county infirmary, the penalties which may be collected under this act, shall be appropriated for the benefit of such infirmary.

Penalty for bringing in non-resident paupers.

SEC. 36. It shall be the duty of the trustees of the township, and of the prosecuting attorneys of each county, whereof any of the offenses by this act provided against, shall be committed, to cause such offense to be prosecuted as soon as possible after the commission of such offense; and all such offenses shall be prosecuted by commencing proceedings within two years after the commission of the offense, and not later; and in all cases where prosecution shall fail, the costs shall be taxed against and paid by the township or county which would be entitled to the penalty if the prosecution had been successful.

Prosecution for such offenses.

SEC. 37. It shall be unlawful for any township trustee or infirmary director, directly or indirectly, to sell or supply any article or merchandise to any superintendent, or other person to be used for the relief of the poor under any of the provisions of this act; and no order shall be made by any board of township trustees, or infirmary directors, for the payment of any such supplies sold or furnished by any such trustee or director, nor shall any order for the payment of money for supplies sold or furnished under the provisions of this act, be paid to any such trustee or director as assignee or holder thereof. Every person offending against the provisions of this section, shall forfeit and pay one hundred dollars for every such offense, to be recovered in a civil action to be brought in the name of the state of Ohio, by the prosecuting attorney of the county within which such offense is committed, for the use of the poor of the township or county aggrieved thereby. And provided further, any superintendent, director, trustee or other officer, who shall certify to, allow or draw an order for the payment of any account or bill, knowing the same to be false or fraudulent, in whole or in part, shall forfeit and pay a sum not less than five hundred

Trustees and directors forbidden to furnish supplies.

Penalty therefor.

dollars, nor more than three thousand dollars, for every such offense, to be collected in the manner and for the uses above provided for, and shall be liable to criminal prosecution as now is, or may hereafter be, provided by law.

Acts repeal-
ed.

SEC. 38. That the act entitled "An act for the relief of the poor," passed February 23, 1865, (S. & S., 529); also, an act to amend section seventeen of an act entitled "An act for the relief of the poor," passed February 23, 1865, passed May 2, 1871, (O. L., vol. 68, p. 131,) be and the same are hereby repealed; provided, that all rights which have accrued, and all suits and proceedings now pending under the provisions of said acts repealed, shall be prosecuted and determined agreeably to and under the provisions of said acts; and all judgments which have been heretofore recovered under the provisions of said acts, shall be carried into execution under the provisions of the acts hereby repealed; and all officers holding offices under the provisions of said act, shall continue to hold the same during the time limited by said acts for their expiration respectively.

SEC. 39. This act to take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 26, 1872.

AN ACT

Making appropriations for the year 1872, and the first quarter of the year 1873.

- SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That in addition to former appropriations made for the same purposes expressed herein, the following sums be and the same are hereby appropriated out of any moneys belonging to the general revenue fund not otherwise appropriated.

AGRICULTURE.

Agriculture.

For the encouragement and improvement of the agricultural interests of the state, to be expended as the state board of agriculture may deem most conducive to that end, and to be paid to the president of that board, twenty-five hundred dollars.

Horticulture.

For the encouragement of horticulture, to be paid to the president of the Ohio horticultural society, five hundred dollars.

For contingent expenses of the office of the state board of agriculture, five hundred dollars.

ARSENAL.

To pay for labor at the state arsenal, including tools and fuel, transportation and materials, to be expended under the direction of the adjutant general, five hundred and fifty dollars. Labor, &c., at arsenal.

BENEVOLENT INSTITUTIONS.

CENTRAL OHIO LUNATIC ASYLUM.

The functions and salaries of the superintendent and matron of the Central Ohio Lunatic Asylum, are hereby suspended till the new building is completed, and the trustees are authorized to employ a superintendent of construction and resident architect during the erection of the building. Directory.

For continuing the work on the new building, including rear central wing, to be expended under provisions of and in accordance with the laws now in force, one hundred and fifty thousand dollars: Provided, that any part of that sum, not exceeding two thousand dollars may be used by the trustees for contingencies connected with the building, and not embraced in the contracts. Work on building.

NORTHERN OHIO LUNATIC ASYLUM.

For salaries of the superintendent, assistant physician, steward and matron, of the Northern Ohio Lunatic Asylum, twenty-eight hundred and fifty dollars. Salaries.

For provisions and necessary current expenses, sixty-four thousand dollars. Provisions, repairs, &c.

For ordinary repairs, ten thousand dollars.

For replenishing library, four hundred dollars.

For finishing amusement hall, two thousand dollars.

For sewerage, twenty-five hundred dollars.

For fencing, fifteen hundred dollars.

For fitting up basement, three thousand dollars.

For completing repairs to five old wards and the main halls, thirty-four hundred and forty-eight dollars.

For new roofing and fitting up fourth story of main building for patients, eighteen thousand dollars.

For service, gas pipe, and laying the same, five hundred dollars.

SOUTHERN OHIO LUNATIC ASYLUM.

For salaries of the superintendent, assistant physicians, steward and matron of the Southern Ohio Lunatic Asylum, twenty-eight hundred and fifty dollars. Salaries.

For provisions and necessary expenses, seventy-five thousand dollars. Provisions, repairs, &c.

For ordinary repairs, twelve thousand dollars.

For replenishing library, four hundred dollars.

For remodeling and repairing four old wards, four thousand dollars.

For completing bakery and building warehouse, five thousand dollars.

For fencing, four thousand dollars.

Purchase of
land.

The trustees of said asylum are hereby authorized to use so much of the appropriation for current expenses and repairs made in 1871, remaining unexpended on the fifteenth of February, 1872, as they may deem necessary, for the purchase of additional land, and said balance is hereby set apart and reappropriated for that purpose.

ATHENS LUNATIC ASYLUM.

Work on
building, &c.

To continue the work on the new lunatic asylum at Athens, for heating apparatus, gas works, ventilation and cisterns, to be expended under the laws now in force, except that the amount originally limited by law as the cost of said asylum, is hereby enlarged so as to cover the amount hereby appropriated, two hundred thousand dollars: Provided, that any part of that sum not exceeding eight thousand dollars, may be expended under the direction of the superintendent for excavating, grading, changing road and improving the grounds, and for contingencies connected with the building and not embraced in the contracts.

LONGVIEW LUNATIC ASYLUM.

General pur-
poses.

For the Longview Asylum, a sum to be computed and ascertained by the auditor of state agreeably to the laws provided for constituting Hamilton county a separate district for lunatic asylum purposes, and for the erection and government of an asylum therein, and the sum hereby appropriated shall be paid upon like vouchers as in case of the current expenses of the other lunatic asylums.

Support of
patients.

For the support of such patients as are received into said asylum in accordance with joint resolution of the general assembly, adopted April 18, 1870, subject to conditions of agreement made with the state, twenty-five thousand dollars.

Colored in-
sane.

For care of colored insane, in accordance with terms of agreement with the state, six thousand dollars.

DEAF AND DUMB ASYLUM.

Salaries.

For salaries of the superintendent, steward, matrons, physician and teachers of the institute for the deaf and dumb, twelve thousand eight hundred and twenty-five dollars.

Expenses.

For provisions and necessary current expenses, thirty-eight thousand five hundred dollars.

Repairs.

For ordinary repairs, five thousand dollars.

Printing.

For printing department of said asylum, eleven hundred twenty-five dollars.

Sundries.

For purchase of the "Converse" lot adjacent to asylum grounds, three thousand seven hundred and fifty dollars.

For new boiler house, eight thousand six hundred dollars.

For remodeling old boiler house for laundry and repairing cistern, thirteen hundred and seventy dollars.

For five boilers, and for setting and fitting same, eight thousand eight hundred and fifty dollars.

ASYLUM FOR THE BLIND.

For salaries of the superintendent, steward, matron, physician and teachers of the asylum for the blind, six thousand seven hundred and fifty dollars. Salaries.

For provisions and necessary current expenses, fourteen thousand five hundred dollars. Expenses.

For ordinary repairs, cisterns, grading and sewerage, ten thousand dollars. Sundries.

For continuing work on the new buildings, to be expended under provision of the laws now in force upon that subject, one hundred thousand dollars.

For furnishing the new building, twenty thousand dollars.

ASYLUM FOR IMBECILE YOUTH.

For salaries of superintendent, matron and teachers of the asylum for imbecile youth, forty-four hundred and twenty-five dollars. Salaries.

For provisions and necessary current expenses, thirty thousand seven hundred and fifty dollars. Expenses.

For ordinary repairs, three thousand dollars. Repairs, &c.

For remodeling old laundry building for the use of pupils, and connecting new and old boiler houses, six thousand dollars.

For payment for land purchased, three thousand nine hundred and fifty-seven dollars and ninety-eight cents.

For sewers, fifteen hundred dollars.

For purchasing 45 steam radiators, valves and fixtures, and putting them in the hospital, eighteen hundred dollars.

For elevators and dumb waiter for hospital and laundry, seven hundred dollars.

For an ice house and refrigerator for preserving provisions, twelve hundred dollars.

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

For the salaries of the superintendent, matrons and teachers of the soldiers' and sailors' orphans' home at Xenia, ten thousand dollars. The salary of the superintendent is hereby fixed at twelve hundred dollars per annum. Salaries.

For the purchase of provisions and for necessary current expenses, thirty thousand dollars. Expenses.

For ordinary repairs, two thousand dollars. Repairs, and sundries.

For furnishing administration and domestic building, and cottages, fifteen thousand dollars.

For piazzas for cottages, fifty-six hundred dollars.

For building six new cottages, eighteen thousand dollars, to be expended in accordance with the provisions of law, except that a publication of notice for proposals for three weeks shall be sufficient.

For building chapel and furnishing the same, ten thousand dollars.

For sewerage, three thousand dollars.

For gas works, six thousand dollars.

For grading and fencing, two thousand dollars.

For cisterns and conveying water to buildings, and water tower and tank, seventeen thousand five hundred dollars.

For completing three old cottages, fifty-four hundred dollars.

Piano.

For the purchase of a piano for the use of music teacher and pupils, four hundred dollars.

Unpaid debts.

For paying debts yet unpaid, contracted for the care and maintenance of the orphans entitled to the benefits of the original act of April 14, 1870, collected at Xenia, before the passage of said act, not exceeding \$5,000: Provided, before any such debts shall be paid, it shall be made fully and satisfactorily to appear by the affidavits of responsible persons, and the attestation of one or more witnesses to the board of managers, that every such debt whose payment is sought, is reasonable and just, and that the same was contracted for the care and maintenance of such orphans.

TRUSTEES OF BENEVOLENT INSTITUTIONS.

For the necessary expenses of the trustees of the various benevolent institutions, fifteen hundred dollars.

CLAIMS—MILITARY.

Military claims.

For claims allowed, or which may be allowed, under the various acts, to establish a board of military claims, and subject to all the provisions and requirements of said acts, or other acts that may be passed in relation to claims of a similar character, twenty thousand dollars.

CONTINGENT EXPENSES OF THE GOVERNOR AND OTHER STATE OFFICERS.

Contingent of governor and other state officers.

For contingent expenses of the governor, two thousand five hundred dollars.

For contingent expenses of auditor of state, eighteen hundred dollars.

For contingent expenses of treasurer of state, six hundred and fifty dollars.

For contingent expenses of secretary of state, eleven hundred dollars.

For contingent expenses of comptroller of the treasury, seven hundred and fifty dollars.

For contingent expenses of the state commissioner of common schools, including necessary traveling expenses of the commissioner in the discharge of his official duties, eleven hundred dollars.

For contingent expenses of the attorney general, three hundred dollars.

For contingent expenses of commissioner of railroads and telegraphs, five hundred dollars; and also five hundred dollars to employ an expert from time to time to examine bridges.

For contingent expenses of the state librarian, four hundred dollars.

For contingent expenses of supreme court, including per diem of messenger, twelve hundred dollars.

For contingent expenses of the clerk of the supreme court, three hundred dollars.

For contingent expenses of the supervisor of public printing, three hundred dollars.

For distribution of laws, journals and such public documents as the secretary of state may be required to distribute under the laws and resolutions of the general assembly, one thousand dollars. Distribution of laws.

For expenses of presidential election of 1872, forty-five hundred dollars. Presidential election.

For contingent expenses of clerk of senate in vacation, fifty dollars; and for contingent expenses of clerk of the house of representatives in vacation, fifty dollars.

GEOLOGICAL SURVEY.

For salaries of chief geologist and three assistant geologists, three hundred and fifty dollars. Geological survey.

For contingent expenses, including hire of local assistants, five hundred dollars.

For chemicals, one hundred dollars.

For continuing the geological survey of the state, and paying the salaries of the chief geologist and assistants, fifteen thousand dollars.

INSURANCE DEPARTMENT.

For salaries of clerks, to carry out the provisions of the insurance laws, forty-six hundred dollars. Insurance department.

For the necessary expenses of the insurance department, other than for clerical services, twenty-four hundred dollars.

LEGISLATURE.

For the per diem and mileage of the members of the general assembly, their clerks, assistant clerks, sergeants-at-arms, assistant-sergeants-at-arms, pages and messengers, under resolutions of the senate and house, and the laws, seventy-five thousand dollars. Per diem, mileage, &c.

For contingent expenses of the general assembly, two hundred dollars.

LIBRARIES.

For books, magazines and newspapers, for the state library, thirteen hundred and seventy-five dollars. Books for libraries.

For purchase of books for the law library for the supreme court, under the direction of the chief justice, twelve hundred and fifty dollars.

MISCELLANEOUS.

For mileage of county treasures in settling with the auditor of state, to be computed by the nearest usual routes of travel from the county seats to the seat of government, thirty-five hundred dollars. Treasurers' mileage

Carpets, file cases, chairs, &c.

For carpet for auditor of state's office, two hundred and fifty dollars.

For cases for files in auditor's office, three hundred and fifty dollars.

For cases for files for clerk of supreme court, three hundred and fifty dollars.

For chairs for supreme court room, one hundred and fifty dollars.

For file cases and carpet for state commissioner of common school's office, three hundred and fifty dollars.

Power for bindery.

For steam power for the state bindery, sixteen hundred dollars, to be expended by the superintendent of the deaf and dumb asylum.

Wolf scalps.

For payment for wolf scalps, fifty dollars.

For paying balance for completing river embankment at West Zanesville, four hundred and forty dollars and forty-two cents.

For refunding taxes illegally assessed, three hundred dollars.

Re-appropriations.

The board of public works are hereby authorized to use fifteen hundred dollars of the appropriation made May 5, 1869, and re-appropriated May 2, 1871, for rebuilding culvert on the premises of Charles Reeves, near Cleveland, to purchase so much land as has been or may hereafter be damaged by reason of the failure to construct said culvert, the payment of which sum shall be a full liquidation of all claims for damages; the unexpended balance of the above appropriation of May 2, 1871, is hereby transferred to the general revenue fund. The balance remaining in the treasury of former appropriations for seals and presses, is hereby re-appropriated.

NIGHT WATCH.

Night watch.

For salary of night watch of the state house, to be employed by the treasurer of state, and who shall serve as night watch of the state house generally, five hundred and sixty-six dollars and sixty-seven cents.

OHIO PENITENTIARY.

Salaries.

For the salaries of the warden and other officers and guards, and the per diem and expenses of the directors of the Ohio penitentiary, as provided by law, fifty-two thousand five hundred dollars.

Expenses.

For provisions and current expenses, fifty-five thousand dollars.

Repairs, etc.

For ordinary repairs, five thousand dollars.

For enlargement, new structures, and extraordinary repairs, twenty-five thousand dollars.

For rewards to convicts, five thousand two hundred and fifty dollars.

For replenishing library, eight hundred dollars.

For costs of prosecution and transportation of convicts to the Ohio Penitentiary, forty-five thousand dollars.

PUBLIC WORKS.

For attorneys' fees and incidental expenses, thirteen hundred and fifty dollars.

Salaries, fees, etc.

For salaries of the members of the board of public works, eighteen hundred dollars.

For salaries of the resident engineers of the public works, twenty-seven hundred dollars.

For salary of clerk, twelve hundred dollars.

To pay James Purdy for work on Gilead side cut, under contract set forth in report of board of public works for 1871, five hundred dollars, to take the place of the appropriation of like amount of May 5, 1869, which has lapsed, and to be in full satisfaction of all claims in that behalf by said James Purdy, whether for work to be done by the state or money to be paid.

James Purdy's claim.

There is hereby re-appropriated any sum which may remain unexpended of the appropriation of twenty thousand dollars, made by act of April 30, 1868, for the purpose stated in said act and re-appropriated April 16, 1870.

Re-appropriation.

REFORM FARM SCHOOL FOR BOYS.

For the salaries of the acting commissioner, matron, teachers and other officers and employes of the Ohio Reform Farm and School, eight thousand dollars.

Salaries.

For the current expenses for maintaining the youth committed to said school, and for repairs, twenty-two thousand five hundred dollars.

Expenses.
Repairs, etc.

For the erection of gas works and fixtures, six thousand dollars.

For rebuilding front of main building, for adding one story to the wings, for a new kitchen and dining rooms, and furnishing the same, forty-thousand dollars: Provided, that no greater sum than fifteen thousand dollars shall be expended of this appropriation before February 15, 1873.

For building horse-barn, twenty-five hundred dollars.

For water-tower, tank and connections, three thousand dollars.

REFORM AND INDUSTRIAL SCHOOL FOR GIRLS.

For the salaries of the superintendent, matron and other officers and teachers of the reform and industrial school for girls, three thousand dollars.

Salaries.

For current expenses of maintaining and educating the youth committed to said school, eleven thousand dollars.

Expenses.

For repairs, twenty-five hundred dollars.

Repairs.

For books for library, two hundred and fifty dollars.

SALARIES OF STATE OFFICERS AND CLERKS.

For salaries of governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, comptroller of the treasury, state commissioner of common schools, attorney

State officers.

general, clerk of the supreme court, private secretary of the governor, commissioner of railroads and telegraphs, superintendent of insurance, state librarian, law librarian, and supervisor of public printing, twenty-three thousand nine hundred dollars.

Judges. For salaries of the judges of the supreme court, the courts of common pleas and the superior courts, one hundred and nine thousand five hundred dollars.

Clerks. For salaries of clerks in the office of the auditor of state, eight thousand five hundred dollars.

For salaries of clerks in the office of the treasurer of state, thirty-nine hundred dollars.

For salaries of clerks in the office of the secretary of state, including the necessary services required in carrying out the provisions of the act in relation to a bureau of statistics, passed April 17, 1869, (65 O. L., p. 92,) to pay for clerical force for which five hundred dollars of the amount herein appropriated may be used, the sum of forty-four hundred dollars.

For clerks in the office of the comptroller of the treasury, which clerical force shall discharge the duties of clerk of the board of military claims, twenty five hundred dollars.

For clerks in the office of the state commissioner of common schools, twenty-one hundred dollars.

For clerk in the office of the commissioner of railroads and telegraphs, eleven hundred and twenty-five dollars.

For salary of one clerk in the executive department, eleven hundred and twenty-five dollars.

For clerk hire in the office of the attorney general, four hundred and fifty dollars.

For clerk to state librarian, eight hundred dollars.

Gas commissioner.

For salary and expenses of gas commissioner, out of any moneys lawfully collected from the gas companies of this state and paid into the state treasury in accordance with the acts passed April 6, 1866, and March 9, 1867, three thousand two hundred dollars.

Reporter. For salary of a reporter of supreme court, three hundred dollars.

Adjutant general. For salary of adjutant general, fifteen hundred dollars.

For salaries of clerks in office of the adjutant general, twenty-two hundred and fifty-dollars: Provided, that no officer shall employ a greater clerical force than can be paid from the appropriations herein made to their respective offices for that purpose; and no clerk shall receive compensation to be paid directly or indirectly out of the state treasury for services in more than one clerkship, nor shall any clerk receive a greater compensation in the aggregate for all services rendered, than two thousand dollars, except that the clerk for the commissioners of the sinking fund may serve and receive compensation as clerk to the attorney general. The auditor of state is hereby specially directed to see that the foregoing provisions are observed and carried into effect; provided further, that should the services of an actuary be required in the insurance department, such actuary may be employed by the superintendent of said department at a salary not ex-

Actuary.

ceeding \$250 per month for the time actually employed, it being understood that all the expenses of the insurance department are to be paid from the receipts of the same.

STATIONERY, PRINTING, BINDING AND REPORTS.

For binding for the state, the vouchers for which shall be approved by the supervisor of public printing and binding, thirteen thousand five hundred dollars. Binding.

For printing for the state, fifteen thousand dollars. Printing.

For the purchase of Ohio state reports, fifteen hundred and seventy-five dollars. Reports.

For stationery and blank books, including printing paper and articles necessary for the general assembly and public offices in the state house, forty-eight thousand seven hundred and fifty dollars. Stationery.

For paper, engraving and printing 1,500,000 plates for 20,000 copies of the first volume of the final report of the geological corps, thirty-four thousand dollars. Plates for geological report.

STATE HOUSE AND GROUNDS.

For the ordinary expenses of taking care of the state house and grounds, and preparing the halls for the general assembly, twenty-two hundred and fifty dollars. Expenses.

For placing fire places and grates, under the direction of the comptroller of the treasury, in rooms occupied by the fund commissioners, state commissioner of common schools, commissioner of railroads and telegraphs, attorney general's office, consultation room of the judges of the supreme court, in the state treasurer's office, in one of the rooms occupied by the secretary of the state board of agriculture, and in two rooms occupied by the governor, and to make an entrance from the supreme court room into the room occupied by the clerk of said court, and to repair the damage caused by the fire in room number 45, two thousand dollars. Fire places, etc.

To procure and put up fixtures to light the east terrace of the state house, eight hundred dollars; and to procure and put up around the state house grounds a new fence, eighteen thousand dollars; all of which work and improvements shall be done under the direction of the comptroller of the treasury, with the advice and consent of the governor and treasurer of state. East terrace and fence.

For wages of employes under the direction of the superintendent in care of the state house and grounds, and heating apparatus of the state house, four thousand five hundred dollars. Wages.

For fuel for the state house, four thousand eight hundred dollars; and the duties heretofore enjoined upon the secretary of the state to advertise and contract for fuel for the state house, under provisions of act passed March 11, 1853, (S. & C., 1392,) are hereby transferred to and enjoined upon the comptroller of the treasury. Fuel.

For gas consumed in the state house, three thousand dollars. Gas.

Repairs.

For repairs and care of heating apparatus of the state house, twenty-two hundred and fifty dollars.

Painting.

The comptroller of the treasury is hereby authorized to use whatever may be necessary of the unexpended balance of appropriation for painting the main halls leading from the rotunda of the state house, to paint the lateral halls leading from said main halls east and west, and committee rooms of house and senate.

Platform scales.

For the purchase and erection of platform scales, upon which all coal and coke used by the state house shall be weighed, and paid for by weight, and the comptroller of the treasury shall keep an accurate account of the same, two hundred and seventy-five dollars.

NATIONAL ROAD.**Superintendence and repairs.**

SEC. 2. There is hereby appropriated for superintendence and repairs on the national road, for one year from the fifteenth day of February, 1872, whatever funds may be collected and paid into the state treasury to the credit of the national road fund, during the period of one year, together with the unexpended collections of the previous year, if any there be, applicable to the same purpose: Provided, that so much of the receipts upon said road as may be necessary to make payments provided for in the purchase of the bridge at Zanesville, Ohio, under act of April 13, 1868, may be used for that purpose: Provided, that no toll gate shall be maintained or kept up on said road between the city of Columbus and the asylum for imbecile youth or central lunatic asylum.

COMMON SCHOOLS.**School funds.**

SEC. 3. There is hereby appropriated from any moneys raised or accruing to the state treasury for the support of common schools, one million five hundred thousand dollars, or so much as may come into the state treasury for this purpose, to be distributed and paid in the manner provided by law

TRANSFERS.**Transfers authorized.**

SEC. 4. The auditor of state, the comptroller of the treasury and treasurer state, are hereby authorized and required to transfer upon the books of their respective offices, whatever balances there may be remaining of the so-called "bank redemption fund," "soldiers' allotment fund," and "soldiers' claims fund," to the general revenue fund, without prejudice to the claims of the proper owners of such balances; and the several sums now remaining in the state treasury are hereby re-appropriated to the uses for which they were paid into the treasury, to be disbursed in accordance with the requirements of existing laws.

Temporary transfers.

If the emergencies shall arise for a greater expenditure of money than the resources of the general revenue fund will warrant, the auditor of state is hereby authorized to temporarily transfer to the general revenue fund from the unexpended

ed balances of other funds, such amounts as may be necessary ; said amounts to be re-transferred when the receipts into the revenue fund will permit, and in no case to extend beyond the time when the benevolent and reformatory institutions now in process of construction, or authorized, shall be completed.

SEC. 5. It shall be the duty of the boards of trustees and directors of the different public state institutions, to embrace in their several annual reports to the governor a statement of the disbursements of the appropriations made for building and repairs, and no money herein or heretofore appropriated shall be expended for any other purpose than that specifically named in the several acts making the same.

SEC. 6. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro-tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 27, 1872.

Specifica-
tions of re-
ports.

AN ACT

To apportion the State of Ohio into Congressional Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the state of Ohio shall be divided into twenty districts for the election of representatives to congress, and each district shall choose one representative, in the manner following, to wit:

State divided
into twenty
districts.

That so much of the county of Hamilton as is now contained within the limits of the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh and eighteenth wards of the city of Cincinnati, as they are now constituted ; and the townships of Anderson, Columbia, Spencer, Symmes and Sycamore ; the corporations of Reading, Avondale, and the north-east and south-east precincts of Mill Creek township, shall compose the first district.

First district.

The balance of the county of Hamilton, now contained within the limits of the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, nineteenth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Cincinnati, as they are now constituted ; and the townships of Springfield, Colerain, Green, Delhi, Miami, Whitewater, Harrison and Crosby ; the corporations of Harrison, Clifton, Riverside and Glendale, as they are now constituted, and the western precinct of Mill Creek township, shall compose the second district.

Second district.

The counties of Butler, Warren, Clinton, Fayette and Clermont, shall compose the third district.

Third district.

The counties of Darke, Preble, Montgomery and Greene, shall compose the fourth district.

Fourth district.

- Fifth district.** The counties of Defiance, Paulding, Putnam, Van Wert, Allen, Auglaize, Mercer and Shelby, shall compose the fifth district.
- Sixth district.** The counties of Williams, Fulton, Henry, Wood, Lucas and Ottawa, shall compose the sixth district.
- Seventh district.** The counties of Highland, Brown, Adams, Pike and Ross, shall compose the seventh district.
- Eighth district.** The counties of Madison, Clarke, Miami, Logan and Champaign, shall compose the eighth district.
- Ninth district.** The counties of Hardin, Marion, Delaware, Union, Morrow and Knox, shall compose the ninth district.
- Tenth district.** The counties of Hancock, Seneca, Sandusky, Erie and Huron, shall compose the tenth district.
- Eleventh district.** The counties of Hocking, Vinton, Jackson, Scioto, Lawrence and Gallia, shall compose the eleventh district.
- Twelfth district.** The counties of Franklin, Pickaway, Fairfield and Perry, shall compose the twelfth district.
- Thirteenth district.** The counties of Licking, Muskingum, Coshocton and Tuscarawas, shall compose the thirteenth district.
- Fourteenth district.** The counties of Wyandot, Crawford, Richland, Ashland and Holmes, shall compose the fourteenth district.
- Fifteenth district.** The counties of Meigs, Athens, Morgan, Monroe and Washington, shall compose the fifteenth district.
- Sixteenth district.** The counties of Jefferson, Harrison, Belmont, Guernsey and Noble, shall compose the sixteenth district.
- Seventeenth district.** The counties of Carroll, Stark, Columbiana and Mahoning, shall compose the seventeenth district.
- Eighteenth district.** The counties of Lorain, Medina, Wayne and Summit, shall compose the eighteenth district.
- Nineteenth district.** The counties of Ashtabula, Trumbull, Portage, Geauga and Lake, shall compose the nineteenth district.
- Twentieth district.** The county of Cuyahoga, shall compose the twentieth district.
- Repeal.** SEC. 2. All acts and parts of acts inconsistent with this act, are hereby repealed.
- SEC. 3. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

Supplementary to an act entitled, "An act to provide for the organization and government of municipal corporations."

[SECTION 1.] *Be it enacted by the General Assembly of the State of Ohio,* That the council of any municipal corporation,

which, by the last federal census, had a population exceeding eighty thousand and less than one hundred thousand, shall have power to make, or cause to be made, any one or all of the improvements, structures, alterations or changes herein-after named, and may make the same all at one time, or separately, and at different times, as may, in the opinion of the council of the municipal corporation be most expedient—that is to say:

To construct a viaduct or bridge over any valley, ravine, river or water course within the limits of the corporation.

To sink, let down and inclose with a tunnel or covering, any portion of any railroad track or tracks within the limits of the corporation.

To make such changes in any canal, its locks, bed or width, within the limits of the corporation, as may be authorized by law.

To acquire by contract, or, at the option of the council of said corporation, to appropriate, enter upon and hold such real estate as may be desired or needed for right of way, or otherwise, in making any change or improvement herein authorized, including a right of way for the outlet of such canal; such appropriation to be made in the manner provided for appropriation of private property by municipal corporations for public uses, in the act to which this is supplementary.

SEC. 2. When it shall be deemed expedient by the council of said municipal corporation to do either, all or any part of the work herein authorized in section one of this act, they shall, by resolution, declare the necessity thereof, which resolution shall briefly describe the location and character of the proposed structure, work, improvement, change or alteration, and the estimated cost of the same, and shall require for its adoption a vote of two-thirds of all the members elected to the council, which resolution shall be published as provided in section 563 of the act to which this is supplementary; and owners of land or property of any kind, and lessees of said canal claiming damages therefor, shall file a claim therefor, in writing, with the clerk of the corporation, as required by section 544 of said act; and said claims for damages shall be determined, and said work shall be done in accordance with the provisions of the act to which this is supplementary, in so far as the same may be applicable.

SEC. 3. For the purpose of providing the means for paying the cost and expense of making any structure, viaduct or bridge, excavation or change, or doing any work authorized by this act, and the cost of any lands purchased or appropriated for right of way, or other purposes, and for the payment of any damages done to private property, by doing any work herein authorized, and all other expenses connected therewith, the council of such municipal corporation shall have power to issue its bonds for any amount, not exceeding in the aggregate the amount of eleven hundred thousand dollars, which bonds may be for any length of time, not exceeding twenty years, at such rate of interest as the council may deem proper, not to exceed the rate of seven per centum per annum, payable semi-annually, and within the limitations named above.

Certain cities authorized to make certain improvements, etc.

Resolution, its publication, etc.

Issue of bonds authorized.

Said bonds may be issued at such time or times and in such amount or amounts, as the progress of the work and the convenience of the corporation may require; said bonds shall have written or printed upon them the date of the law under which they are issued, and the general character of the work or improvement, to pay or provide means for paying the cost and expense of which they are issued; said bonds shall not be sold or negotiated for less than par, and the proceeds of said bonds shall be applied to the payment of the cost and expense of such work and improvement, as hereinbefore provided, and to no other purpose whatever.

SEC. 4. This act shall take effect on its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 27, 1872.

AN ACT

To regulate Insurance Companies doing an insurance business in the State of Ohio.

CHAPTER I.

INSURANCE OTHER THAN LIFE.

Certificate of
association
to form com-
pany.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That hereafter when any number of persons, as required by the first section of the act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852, and the acts amendatory thereto, shall associate to form an insurance company for any other purpose than life insurance, they shall, under their hands and seals, make a certificate specifying the name assumed by such company and by which it shall be known, the object for which said company shall be formed, the amount of its capital stock, and the place where the principal office of said company shall be located; which certificate shall be acknowledged, certified and forwarded to the secretary of state, who shall submit the same to the attorney general for examination, and if found by him to be in accordance with the provisions of this act, and not inconsistent with the constitution and laws of this state and of the United States, he shall certify the same and deliver it back to the said secretary, who shall have the right to reject any name or title of any company applied for, when he shall deem the name similar to one already appropriated, or likely to mislead the public.

SEC. 2. Upon the approval of said certificate by the attorney general and the secretary of state, the said secretary

of state shall cause it to be recorded and copied in the same manner as is provided in the second section of said act, and a copy thereof deposited with the superintendent of insurance. And said persons, when incorporated, and having in all respects complied with the provisions of this act, are hereby authorized to carry on the business of insurance, as named in such certificate of incorporation, and by the name and style provided therein, shall be deemed a body corporate, with succession; they and their associates, successors and assigns, shall have the same general corporate powers, and be subject to all the obligations and restrictions of said act, and of the acts amendatory and supplementary thereto, except as herein provided.

To be recorded by secretary of state.

When deemed a body corporate.

SEC. 3. No joint stock company shall be incorporated under this chapter with a less capital than two hundred thousand dollars, which stock shall be divided into shares of one hundred dollars each. No mutual fire insurance company not of this state shall do business therein.

Amount of capital requisite.

SEC. 4. The persons named in the certificate of incorporation, or a majority of them, shall be commissioners to open books for the subscription of stock in the company, at such times and places as they shall deem convenient and proper, and shall keep the same open until the full amount specified in the certificate is subscribed.

Subscription of stock, &c.

SEC. 5. The affairs of any company organized under this chapter shall be managed by not more than twenty-one nor less than five directors, all of whom shall be stockholders. Within one month after the subscription book shall have been filled, a majority of the subscribers shall hold a meeting for the election of directors, each share entitling the holder to one vote; and the directors then elected shall continue in office until such time in the month of January thereafter, as the by-laws of the company shall direct, and until others shall have been elected and duly qualified to succeed them in the trust.

Directors—their election.

SEC. 6. It shall be unlawful for any insurance company organized under this chapter, or incorporated under any law of this state for the purposes provided in the first section of this chapter, to invest its capital, or any part thereof, otherwise than in bonds and mortgages on unincumbered real estate within the state of Ohio, worth double the sum loaned thereon, exclusive of buildings, or in stocks of this state, or stocks or treasury notes of the United States. But any funds accumulated in the course of the business, or surplus money over and above the capital stock of any insurance company, may be loaned on, or invested in the above named securities, or in bonds and mortgages on unincumbered real estate worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured in some insurance company authorized to do business in this state, and the policy transferred to said company, the stock and bonds of any county, or incorporated city or village in this state authorized to be issued by the legislature, or the stocks and bonds of any state, or the stocks, bonds, or other evidences of indebtedness of any solvent dividend paying

Investment of capital.

institution incorporated under the laws of this, or any other state, or of the United States, except their own stock; provided always, that the current market value of all such stocks, bonds, or other evidences of indebtedness, except the stocks and bonds of this state and the United States, shall be at all times, during the continuance of such loans, at least twenty per cent. more than the sum loaned thereon.

Examination
and certifi-
cate as to
capital and
assets.

Certificates
to be filed.

Insurance of
buildings.

Health, acci-
dents, &c.

Fidelity of
officers.
Books, mon-
ey, stocks,
&c.

Limit of in-
surance.

SEC. 7. Upon receiving notification that the proceedings required by the sections foregoing have been had, the superintendent of insurance shall cause an examination to be made, either by himself or some disinterested person, specially appointed by him for that purpose, who shall certify under oath that the capital herein required of the company named, has been paid in and is possessed by it in money, or in such stocks and bonds and mortgages as are required by the sixth section of this chapter; and the corporators or officers of such company, shall be required to certify, under oath, that the capital exhibited is bona fide the property of the company. Such certificates shall be filed in the office of the said superintendent, who shall thereupon deliver to such company a certified copy of said certificates, which, on being placed on record in the office of the recorder of the county where the company is to be located, in a book provided for that purpose by him, shall be their authority to commence business and issue policies; and such certified copy of said certificates may be used in evidence for or against said company, with the same effect as the original.

SEC. 8. It shall be lawful for any company organized under this chapter—*First*, to insure houses, buildings, and all other kinds of property, against loss or damage by fire, in and out of the state; and to make all kinds of insurance on goods, merchandise and other property in the course of transportation, whether on land or water, or on any vessel or boat wherever the same may be. *Second*, to make insurance on the health of individuals, and against personal injury, disablement or death, resulting from traveling, or general accidents by land or water. *Third*, to insure the fidelity of persons holding places of public or private trust. *Fourth*, to receive on deposit and insure the safe keeping of books, papers, moneys, stocks, bonds, and all kinds of personal property; to lend money on bottomry or respondentia, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may have made on mortgage, bottomry or respondentia, and generally to do and perform all other matters and things proper to promote these objects: Provided, that no company shall be organized to issue policies of insurance for more than one of the above four mentioned purposes, and no company that shall have been organized for either one of said purposes, shall issue policies of insurance for any other; and no company organized under this chapter, or transacting business in this state, shall expose itself to loss, on any one risk or hazard, either by one or more policies, to an amount exceeding five per cent. on its

paid up capital, whether reinsured or not; provided that the restriction as to amount of risk any company shall assume, shall not apply to companies organized to guarantee the fidelity of persons in places of public or private trust, nor to companies that receive on deposit and guarantee the safe keeping of books, papers, moneys, and other personal property.

SEC. 9. The annual meeting for the election of directors shall be holden at such time in the month of January, as the by-laws of the company may direct; provided, however, that if for any cause the stockholders shall fail to elect directors at any annual meeting, they may hold a special meeting on some subsequent day for the purpose, by giving thirty days' previous notice thereof in some newspaper in general circulation in the county where the principal office of the company shall be kept; and the directors chosen at any such annual or special meeting shall continue in office until the next annual meeting, and until their successors shall have been duly elected and qualified.

Annual
meeting for
election of
directors, &c.

SEC. 10. The directors shall choose, by ballot, a president from their own number, and shall fill all vacancies that may arise in the board or in the presidency thereof; and the board of directors, or a majority of them, when convened at the office of the company, shall be competent to exercise all the powers vested in them by this chapter. They shall also have power to appoint a secretary, and any other officers or agents necessary for transacting the business of the company, paying such salaries and taking such securities as they may judge reasonable; they may ordain and establish by-laws and regulations, not inconsistent with this chapter, or with the constitution and laws of this state and of the United States, as shall appear to them necessary for regulating and conducting the business of the company; and it shall be their duty to keep full and correct records of their transactions, which shall at all times be open to the inspection of the stockholders.

President.

Secretary
and agents.

By-laws and
regulations.

SEC. 11. All policies or contracts of insurance made or entered into by the company, may be made either with or without the seal thereof; they shall be subscribed by the president or such other officer as may be designated by the directors for that purpose, and shall be attested by the secretary, and, being so subscribed and attested, they shall be obligatory on the company.

Policies.

SEC. 12. Transfers of stock may be made by any shareholder, or his legal representative, on the books of the company, subject to such reasonable restrictions as the directors may from time to time make in their by-laws, and subject, also, to any provisions of the laws of this state relating to such transfers.

Transfers of
stock.

SEC. 13. Whenever any company organized under this chapter shall, in the opinion of the directors thereof, require an increased amount of capital, they shall, if authorized by the holders of two-thirds of the stock, file with the secretary of state a certificate setting forth the amount of such desired increase, and thereafter such company shall be entitled to

Increase of
capital.

have the increased amount of capital fixed by said certificate, and the examination of securities composing the capital stock thus increased, shall be made in the same manner as is provided in section seven of this chapter for capital stock originally paid in.

Dividends—
reserved
items, &c.

SEC. 14. No fire insurance company organized under any law of this state, shall make any dividend, except from the surplus profits arising from its business. In estimating such profits, there shall be reserved therefrom :

First—A sum equal to the whole amount of premiums on unexpired risks and policies, which are hereby declared to be unearned premiums.

Second—All sums due the company on bonds and mortgages, bonds, stocks and book accounts, of which no part of the principal, nor the interest thereon, has been paid during the preceding year, and for which foreclosure or suit has not been commenced, or which, after judgment obtained thereon, shall have remained more than two years unsatisfied, and on which interest shall not have been paid ; and

Third—All interest due or accrued and remaining unpaid for which the company does not hold securities as hereinbefore provided: Provided, that any company may declare dividends, not exceeding ten per cent. on its capital stock, in any one year, that possesses an accumulated fund in addition to the amount of its capital stock, and of such dividend, and all actual outstanding liabilities, equal to one-half the amount of all premiums on risks not terminated at the time of making such dividend. Any dividend made contrary to the provisions of this section, shall subject the company making the same to a forfeiture of its charter, and each stockholder receiving it to a liability to the creditors of such company to the extent of the dividend received, beside the other penalties and punishments prescribed by law. This section shall not apply to the declaration of scrip dividends by participating companies; but no such scrip dividend shall be paid, except from surplus profits after reserving all sums as above provided, including the whole amount of premiums on unexpired risks. The word "year," wherever used in this section, shall be construed to mean the calendar year.

Limit as to
real estate
held by com-
pany.

SEC. 15. No company organized under this chapter shall purchase, hold or convey real estate, except for the purposes and in the manner herein set forth, to wit :

1. Such as shall be requisite for its convenient accommodation in the transaction of its business ; or,

2. Such as shall have been mortgaged to it in good faith, by way of security for loans previously contracted, or for money due ; or,

3. Such as shall have been conveyed to it in satisfaction of debt previously contracted in its legitimate business, or for money due ; or,

4. Such as shall have been purchased at sales upon judgment, decrees, or mortgages obtained or made for such debts ; and it shall not be lawful for any such company to purchase, hold or convey real estate in any other case, or for any other

purpose ; and all such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company in the transaction of its business, shall be sold and disposed of within two years after such company shall have acquired title thereto, unless the company shall procure a certificate from the superintendent of insurance that the interests of the company will suffer materially by a forced sale thereof, in which event the sale may be postponed for such period as the said superintendent shall direct in said certificate.

SEC. 16. Every person effecting insurance in any mutual company, and also their heirs, executors, administrators, and assigns, continuing to be so insured, shall thereby become members of said corporation during the period of insurance, and shall be bound to pay for losses and such necessary expenses as aforesaid accruing in and to said company, in proportion to the amount of his deposit note or notes. The directors shall, as often as they deem necessary, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof as their respective portion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed ; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the officers of the company within thirty days next after the publication of said notice. And if any member shall for the space of thirty days after the publication of said notice, and after personal demand for payment shall have been made, neglect or refuse to pay the sum assessed upon him as his proportion of any loss as aforesaid, in such cases the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit ; but execution shall only issue for assessments and costs as they accrue, and every such execution shall be accompanied by a list of losses for which the assessment is made. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by the said company, shall receive towards making good their respective losses, a proportional share of the whole amount of said notes, according to the sums by them respectively insured ; but no member shall ever be required to pay for any loss occasioned by fire or inland navigation, more than the whole amount of his deposit note.

SEC. 17. Every mutual insurance company shall embody the word " Mutual " in its title, which shall appear upon the first page of every policy and renewal receipt ; and every stock company shall upon the face of every policy and renewal receipt in some suitable manner, express that such policy or receipt is a stock policy or receipt, and neither class of companies doing business in this state, shall issue any policy other than that appropriate to its class : Provided, that

Members of mutual companies liable for losses.

Directors to apportion losses.

Proceedings when members refuse or neglect to pay.

Policies, how endorsed, &c.

any mutual insurance company now doing business in this state, having net assets not less than two hundred thousand dollars invested as provided in section six of this chapter, for the capital stock, may issue policies either upon the mutual or stock plan, and may continue to do such kind of business as above, as long as their assets shall continue invested as above; and provided further, that any mutual insurance company having assets so invested, shall have the right to expose itself to loss on any one risk or hazard, either by one or more policies, to an amount not exceeding five per cent. thereof.

Annual statement to superintendent of insurance.

SEC. 18. It shall be the duty of the president or vice president and secretary of each fire insurance company organized under this chapter, or incorporated under any law of this state, annually, on the first day of January, or within thirty days thereafter, and of each marine insurance company within sixty days thereafter, to prepare under oath, and deposit in the office of the superintendent of insurance, a statement of the condition of such company on the thirty-first day of December then next preceding, exhibiting the following facts and items, in the following form, namely:

Contents of annual statement.

First—The amount of the capital stock of the company, specifying the amount paid and unpaid.

Second—The property or assets held by the company, specifying:

1. The value, or as nearly as may be, of the real estate owned by such company, where situate, and value of buildings.

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same is deposited.

3. The amount of cash in the hands of agents and in course of transmission.

4. The amount of loans secured by bonds and mortgages, constituting the first lien on real estate, on which there shall be less than one year's interest due or owing.

5. The amount of loans on which interest shall not have been paid within one year.

6. The amount due the company on which judgments have been obtained, and the cash value thereof.

7. The amount of stocks of this state, the United States, of any incorporated city of this state, and of any other stocks owned by the company, specifying the amount, number of shares, and par and market value of each kind of stock.

8. The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par value and market value.

9. The amount of assessments on stock or premium notes, unpaid.

10. The amount of interest actually due and unpaid, and the amount of interest accrued but not due.

11. The amount of premium notes on which policies are issued.

12. The number of policies in force.

13. The amount insured under all policies in force.
14. The amount of premiums received thereon.
15. The amount of all other assets, specifying what.

Third—The liabilities of such company, specifying:

1. The amount of losses due and unpaid.
2. The amount of claims for losses resisted by the company.
3. The amount of losses incurred during the year, including those claimed and not due, and of those reported to the company upon which no action has been taken.
4. The amount of dividends declared and due, and remaining unpaid.
5. The amount of dividends, either cash or scrip, declared, but not due.
6. The amount of money borrowed and security given for the payment thereof.
7. The amount required for re-insurance as provided in this act.
8. The amount of all other existing claims against the company.

Fourth—The income of the company during the preceding year, specifying:

1. The amount of cash premiums received.
2. The amount of notes received for premiums.
3. The amount of interest money received.
4. The amount of income received from other sources.

Fifth—The expenditures during the preceding year, specifying:

1. The amount of losses paid during the year, stating how much of the same accrued prior, and how much subsequent to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement.
2. The amount of dividends paid during the year.
3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company.
4. The amount paid in taxes.
5. The amount of all other payments and expenditures.

SEC. 19. The statement of any such company, the capital of which is composed in whole or in part of notes, shall, in addition to the foregoing, exhibit the amount of notes originally forming the capital, and also what proportion of said notes is still held by such company and considered capital. Every insurance company, organized under any law of this state, failing to make and deposit such statement, or to reply to any inquiry of the said superintendent, shall be subject to a penalty of five hundred dollars, and an additional five hundred dollars for every month that such company shall continue thereafter to transact any business of insurance.

SEC. 20. It shall not be lawful for any insurance company, association or partnership, incorporated, organized or associated under the laws of any other state of the United States, or any foreign government, for any of the purposes mentioned in this chapter, directly or indirectly, to transact any business of insurance in this state without first procur-

Amount of notes to be stated.

Penalty of failure to make and deposit statement.

Companies of other states and foreign governments must procure certificate of authority.

Agents to be
licensed.

Instruments
to be filed.

ing from the superintendent a certificate of authority so to do; nor shall it be lawful for any person or corporation, directly or indirectly, to act as agents in this state for any such company or association, either in procuring applications for insurance, taking risks, or in any manner transacting the business of insurance, without first procuring from the superintendent a license so to do, stating also that said company has complied with all the requisitions of this act applicable to such company, and depositing a certified copy of such license in the office of the recorder of the county in which the office or place of business of such agent or agents may be established; nor shall it be lawful for any insurance company, association or partnership organized under the laws of any other state, directly or indirectly, to take risks or transact business of insurance in this state, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this chapter, nor unless the entire capital stock of said company be fully paid up and invested as required by the laws of the state where organized; and any company desiring to transact any business as aforesaid, by any agent or agents, in this state, shall file with the superintendent a written instrument, duly signed and sealed, authorizing any agent or agents of such company, in this state, to acknowledge service of process, for and in behalf of such company in this state, consenting that service of process, mesne or final, upon any such agent or agents, shall be taken and held to be as valid as if served upon the company according to the laws of this or any other state or country, and waiving all claim or right of error by reason of such acknowledgment of service, also waiving all claim or right to transfer or remove any cause then or thereafter pending in any of the courts of this state, wherein such company may be a party to any of the courts of the United States; and consenting that suit may be brought thereon in the county where the property insured was situated, or where the same was insured, and that service of process made therein by the sheriff of such county by sending a copy thereof by mail addressed to the company at the place of its principal office when it ceased to do business as aforesaid, at least thirty days prior to taking judgment in said suit, shall be as valid as if personally made upon said company according to the laws of this or any other state or government; provided, that the sheriff's return shall show the time and manner of such service: they shall also file with the superintendent a certified copy of their charter or deed of settlement, together with a statement, under the oath of the president or vice president, or other chief officer, and the secretary of the company, for which he or they may act, stating the name of the company and place where located; the amount of its capital, with a detailed statement of the facts and items required from the companies organized under the laws of this state, as per sections eighteen and nineteen of this chapter; also a copy of the last annual report, if any was made, under any law of the state by which such company was incorporated.

SEC. 21. Any company incorporated by or organized under the laws of any foreign government, shall deposit with the superintendent of insurance, for the benefit and security of the policy holders residing in this state, a sum not less than one hundred thousand dollars, in stocks of the United States or of the state of Ohio, said stocks not to be received by said superintendent at a rate above their par value; the stocks and securities so deposited may be exchanged from time to time for other like securities. So long as the company so depositing shall continue solvent and comply with the laws of this state, it shall be permitted by said superintendent to collect the interest or dividends on said deposit. It shall not be lawful for any such company to insure within the limits of this state on a single risk or hazard, either by one or more policies, to an amount greater than five per cent. of the capital of such company as hereinafter defined. For the purposes of this act, the capital of any foreign insurance company, doing fire insurance business in this state, shall be deemed to be the aggregate value of its deposits with the insurance or other departments of this state, and of the other states of the United States, for the benefit of policy holders in this state, or in the United States, and its assets and investments certified according to the provisions of this act in the United States; provided, that such assets and investments be vested in and held within the United States by trustees, citizens of the United States, appointed by the board of directors of the company, and approved by the insurance commissioner of the state where invested, for the benefit of the policy holders and creditors in the United States. The trustees so chosen are hereby empowered to take, hold and convey real and personal property for the purposes of the trust, subject to the same restrictions as insurance companies of this state.

Companies of foreign governments must deposit stocks.

Amount of risk allowed.

SEC. 22. Every insurance company, other than life, organized by the act of congress, or under the laws of any other state or government, shall, annually, at the same time and in the same form and manner as required of similar companies organized under the laws of this state, file a statement of its condition and affairs in the office of the superintendent of insurance. Any company organized under or incorporated by any foreign government, shall also furnish a supplementary statement for the year ending on the preceding thirty-first day of December, verified by the oath of the manager of such company residing in the United States; such supplementary statement shall comprise a report of their business and affairs in the United States, as required from companies organized in this state, together with any other information that may be required by the superintendent of insurance. If the said annual statement shall be satisfactory evidence to the superintendent of insurance of the solvency and ability of such company to meet all its engagements at maturity, and that the said deposit is maintained as hereinbefore provided, he shall issue renewal certificates of authority to the agents of said company, certified copies of which shall be filed in the county recorder's office of the county where the agency is located, during the month of January in each year, or within

Annual statement of companies of other states and foreign governments.

Renewal certificates.

sixty days thereafter, which certificates shall be the authority of such agents to issue new policies in this state for the ensuing year.

Per cent. of
of dividends
to be re-
tained.

Increase of
capital stock.

Buildings
and lands
pledged to
amount of
premium
notes, &c.

SEC. 23. Any company heretofore organized under any law of this state for any of the purposes mentioned in this chapter, which has taken notes or obligations of its stockholders for any portion or portions of the amount subscribed by them to its capital stock, shall retain from any dividend declared to such stockholders, their heirs or assigns, fifty per cent. of the amount of such dividend, and apply the same as a credit upon such stock notes until such notes shall be fully paid; and the whole amount now or hereafter payable to any such company on stock notes or obligations, shall, within five years from the first day of July, A. D. 1869, be collected and invested by said company in the manner required by the sixth section of this chapter; and any joint stock insurance companies of the kind contemplated in this chapter, heretofore organized under the laws of this state, with a less capital than two hundred thousand dollars, shall, within five years from the first day of July, A. D. 1869, increase its capital stock to at least two hundred thousand dollars, paid up and invested in the manner required by the sixth section of this chapter; and any company failing to comply with any of the provisions of this section shall forfeit its charter.

SEC. 24. All buildings heretofore or hereafter insured by any mutual insurance company, shall be pledged to such company, together with the right and title of the insured, in the lands upon which they are situate, to the amount of the premium note to be insured; and the company shall have a lien thereon to the amount of such note, but the lien of the company shall not take effect until the company shall file with the recorder of the county in which the property insured is situate, a certificate stating the date, number and amount of such premium note, and such a description of the property insured as will enable any one readily to identify the same. The recorder shall record and index said certificate in his book of liens, for which he shall receive the sum of fifty cents; and all liens heretofore acquired by any such insurance company shall continue in force under this act.

CHAPTER II.

LIFE INSURANCE.

Formation
of life in-
surance com-
panies.

Re-insur-
ance.

SECTION 1. Any number of persons, not less than thirteen, may associate and form a corporation or company, to make insurance upon the lives of individuals, and every insurance appertaining thereto or connected therewith on the mutual or stock plan and to grant, purchase or dispose of annuities.

SEC. 2. Every life insurance company organized under the laws of this state, shall have authority to re-insure any risk herein authorized to be undertaken.

SEC. 3. No life insurance company organized under the laws of this state, shall undertake any business or risk, except

as herein provided, and no company, partnership or association, organized or incorporated by act of congress, or under the laws of this or any other state of the United States, or by any foreign government transacting the business of life insurance in this state, shall be permitted or allowed to take any other kind of risks except those connected with or appertaining to making insurance on life, and granting, purchasing and disposing of annuities; nor shall the business of life insurance in this state be in any wise conducted or transacted by any company, partnership or association, which in this, or any other state or country, makes insurance on marine, fire, inland or any other risk: Provided, that insurance companies now doing a life and accident, or accident insurance business within this state, shall not be prohibited by the provisions of this act from the continuance of the same.

Companies not to take other risks.

SEC. 4. The persons referred to in the first section of this chapter, shall be designated as corporators, and they shall file in the office of the secretary of state, a declaration signed by each of the corporators, setting forth their intentions to form a company for the purposes named in this chapter, which declaration shall comprise a copy of the charter they propose to adopt, and the said charter shall set forth the name of the company, the place where it is to be located, the kind of business to be undertaken, the manner in which the corporate powers of the company are to be exercised, the manner of electing the trustees or directors, and the number thereof, and officers, a majority of whom shall be citizens of this state, and the time of such election, the manner of filling vacancies, the amount of capital to be employed, and such other particulars as may be necessary to explain and make manifest the objects and purposes of the company, and the manner in which it is to be conducted.

Corporators to file declaration.

Contents declaration.

SEC. 5. Whenever the corporators shall file such declaration with the secretary of state, it shall become his duty to submit the same to the attorney general for examination, and if found by him to be in accordance with the provisions of this act, and not inconsistent with the constitution and laws of the United States, and of this state, he shall certify to the same and deliver it back to the said secretary, who shall cause the said declaration, with the certificate of the attorney general, to be recorded in a book to be kept for that purpose, and upon application of the corporators to the said secretary, it shall become his duty to furnish a certified copy of such declaration and certificate to the said corporators.

Attorney general to certify to declaration.

Declaration to be recorded.

SEC. 6. Whenever the corporators shall have received from the secretary, the certified copy provided for in section five (5) of this chapter, and desire to proceed to organize such company, they shall publish their intention in a paper published and having general circulation in the county in which said company is to be organized; and when such intention shall have been published in said newspaper for six weeks, they may open books to receive subscriptions to the capital stock, and keep such books open until the amount required by this act is subscribed, and may then proceed to distribute the stock among the subscribers, if more than the necessary amount is subscribed,

Corporators to give notice of intention to form company.

Subscriptions to capital stock.

Increase of capital.

and proceed to collect in the said capital, and complete the organization of the company. When any life insurance company organized under this chapter, or any law of this state, shall, in the opinion of the board of directors thereof, require a larger amount of capital than that fixed by its charter or certificate of incorporation, they shall, if authorized by the holders of two-thirds of the stock, file with the secretary of state a certificate setting forth the amount of such desired increase, and thereafter such company shall be entitled to have the increased amount of capital fixed by said certificate, and the same shall be invested as required by section seven (7) of this chapter.

Amount of capital required.

SEC. 7. No life insurance company shall be organized under this chapter with a less capital than two hundred thousand dollars. The whole capital of such company shall, before proceeding to business, be paid in and invested in treasury notes, or in stocks of the United States, or in stocks of the state of Ohio, or in mortgages on unincumbered real estate within the state of Ohio, worth double the amount loaned thereon, exclusive of buildings thereon: Provided, however, that nothing herein contained shall require any life insurance company already organized under any law of this state to increase its capital stock.

Change and re-investment of capital.

SEC. 8. Any life insurance company organized under this chapter, or any other law of this state, may invest its capital in stocks, bonds and mortgages, or securities mentioned in the preceding section, and change and invest the same or any part thereof in like manner, at pleasure; but no company shall commence business until it has deposited with the superintendent of insurance at least one hundred thousand dollars in the stocks, bonds and mortgages aforesaid, or one or more of them, duly made or assigned to said superintendent in trust for the purposes mentioned in this act. And when any mortgage of real estate has been or shall hereafter be assigned to said superintendent, said assignment shall be immediately entered in the records of the county in which such real estate is situate; the fee for the recording of which shall be paid by the company.

Deposit of stocks.

Solvent companies may collect interest on securities.

SEC. 9. The superintendent of insurance shall hold such securities as security for policy holders in said companies, but as long as any company so depositing shall continue solvent he shall permit such company to collect the interest or dividends on its securities so deposited, and from time to time to withdraw such securities, or any part thereof, on depositing with said superintendent other securities of the kinds heretofore named and of equal value with those withdrawn.

Certificate of deposit to be furnished.

SEC. 10. Whenever the corporators shall have fully organized such company, and shall have deposited with the superintendent the requisite amount of capital, said superintendent shall furnish the company with a certificate of such deposit, which, with a certified copy of the papers required by this chapter, when filed in the county recorder's office of the county wherein such company is located, shall be the authority to commence business and issue policies, and the same may be used in evidence for and against the company in all suits.

SEC. 11. It shall be lawful for any life insurance company organized under the laws of this state, to invest its accumulations of bonds and mortgages on unincumbered real estate, worth fifty per cent. more than the amount loaned thereon, exclusive of buildings, unless such buildings shall be insured in some insurance company authorized to do business in this state, and the policy or policies of insurance be assigned as collateral security for the loan so made, when, in addition to the amount authorized to be loaned on real estate exclusive of buildings, there may be added thereto not exceeding fifty per cent. on the amount of the policy or policies so assigned; or in stock or treasury notes of the United States; or in stock or bonds of the state of Ohio; or in bonds of any county or incorporated city in this state, authorized by law; or in first mortgage railroad bonds; or to invest not to exceed ten per cent. of its accumulations in the stock of any dividend paying railroad company; and they may lend the same, or any part thereof, upon the pledge of such stocks, bonds or treasury notes: Provided, that the current market value of said stocks, bonds or treasury notes of the United States, or of the state of Ohio, shall be at least ten (10) per cent. more than the amount loaned thereon, or that the current market value of the said bonds or stocks of any county, city or railroad, shall be at least twenty-five per cent. more than the amount loaned thereon; or they may loan upon the stocks of the national banks incorporated within the state of Ohio, but the current market value of such stocks shall be at least fifty per cent. more than the amount loaned thereon. Loans may also be made upon any policy in force in said company, but not to exceed the value of the same according to the basis hereinafter provided.

Investment
of funds.

SEC. 12. No life insurance company organized under the laws of this state, shall be permitted to purchase, hold or convey real estate, except for the purposes and in the manner herein set forth, to-wit:

Purposes for
which real
estate may be
held.

1. Such as shall be requisite for its immediate accommodation in the transaction of its business; or,

2. Such as shall have been mortgaged to it in good faith, by way of security, for loans previously contracted, or for moneys due; or,

3. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or,

4. Such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and it shall not be lawful for any company incorporated as aforesaid to purchase, hold or convey real estate in any other case or for any other purpose.

SEC. 13. All such real estate as may be acquired as aforesaid, and which shall not be necessary for the accommodation of such company in the convenient transactions of its business, shall be sold and disposed of within two years after such company shall have acquired title to the same; and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the superintendent

Unnecessary
real estate to
be sold, etc.

of insurance that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the said superintendent shall direct in said certificate.

Seal, by-laws, etc.

SEC. 14. The corporators, or the trustees or directors, as the case may be, of any life insurance company organized under the laws of this state, shall have power to adopt a seal, and to make such by-laws, not inconsistent with this act or the constitution and laws of this state, as may be deemed necessary for the management of its affairs.

Suits at law may be maintained.

SEC. 15. Suits at law may be maintained by any life insurance company, formed under the laws of this state, against any of its members, officers, policyholders or stockholders, for any cause relating to the business of such company; also, suit at law may be prosecuted and maintained by any member, stockholder or policyholder, or the heirs or legal representative of either, against such company for losses which may have accrued, if payment is withheld more than two months, on all risks, after such losses shall have been due.

Dividends, interest, etc., must be paid from surplus funds.

SEC. 16. It shall not be lawful for the directors, trustees, managers or officers of any life insurance company, organized under the laws of this state, directly or indirectly, to make or pay any dividend, or pay any interest, bonus or other allowances in lieu of dividend, to its stockholders, except from the surplus funds, after reserving therefrom an amount sufficient to reinsure all its outstanding risks and policies, estimating the value thereof by the table known as the American experience table, with interest at four and one-half per cent. per annum.

Annual statement, and its contents.

SEC. 17. It shall be the duty of the president or vice president, and secretary or actuary, or a majority of the trustees or directors of each life insurance company organized under the laws of this state, annually, on the first day of January, or within sixty days thereafter, to prepare, under oath, and deposit in the office of the superintendent of insurance, a statement showing the condition of the company on the thirty-first day of December then next preceding, exhibiting the following facts and items, in the following form, to-wit:

1. The number of policies issued during the year.
2. The amount of insurance effected thereby.
3. Amount of premiums received during the year.
4. Amount of interest and all other receipts, specifying the items.

5. Amount of losses paid during the year.
6. Amount of losses unpaid.
7. Amount of expenses.
8. Whole number of policies in force.
9. Amount insured thereby.

10. Amount required to re-insure all policies in force, estimating the same by the table, as the actuaries or combined experience table, with interest at four per cent. per annum; also, amounts of all other liabilities.

11. Amount of capital stock, specifying amount paid and unpaid.

12. Amount of assets, and manner in which they are invested, specifying what amount in real estate, on bonds and mortgages, stocks, loans on stocks, premium notes, credits or other securities.

13. Amount of dividends unpaid.

14. An exhibit of the policy obligations of the company, as follows: With the first annual statement required under the provisions of this chapter, there shall be prepared and deposited a schedule, showing the number, date, age, when insured, amount insured, term of policy, and term of premium of all policies then in force, and with every succeeding annual statement a schedule of the foregoing items as to all policies issued during the year, and a similar schedule as to policies which shall have ceased to be in force during the year.

SEC. 18. It shall not be lawful for any life insurance company, organized by act of congress, or by or under the laws of any other state of the United States, to transact any business of insurance in this state, without first procuring from the superintendent of insurance a certificate of authority so to do; nor shall it be lawful for any person or corporation, directly or indirectly, to act as agent in this state for any such company, either in procuring applications for insurance, taking risks, or in any manner transacting the business of insurance, without first procuring from the superintendent of insurance a license so to do, in which said superintendent shall state that said company has complied with all the requisitions of this act applicable to such company, and depositing a certified copy of such license in the office of the recorder of the county in which the office or place of business of such agent shall be established; nor shall it be lawful for any such insurance company to take risks, or transact any business of insurance in this state, unless possessed of the amount of actual capital required of similar companies organized in this state under the provisions of this act; nor unless the entire capital stock of said company is fully paid up, and invested as required by the laws of the state where organized; and any such company desiring to transact any such business in this state by an agent or agents, shall file with the superintendent of insurance a written instrument, duly signed and sealed, authorizing any agent or agents of such company in this state, to acknowledge service of process for and in behalf of such company in this state, consenting that the service of process, mesne or final, upon any such agent or agents, shall be taken and held to be valid, as if served upon the company according to the laws of this or any other state or government, and waiving all claims or rights of error by reason of such acknowledgment of service; also waiving all claim or right to transfer or remove any cause then or thereafter pending in any of the courts of this state, wherein such company may be a party to any of the courts of the United States; said company shall also file a certified copy of its charter or deed of settlement, together with a statement under the oath of the president, vice president, or other chief officer or manager and secretary of such company, stating the name of the company, the place where

Companies and agents must procure certificate of authority, &c.

—and file written instrument with superintendent of insurance.

Investment
of capital in
bonds, &c.

it is located, and amount of its capital, with a detailed statement of all the facts required in the annual statements required of companies organized under this chapter, except as to statement required by item fourteen, section seventeen, of this chapter, which statements shall be required of said companies only when required by the superintendent of insurance, for purposes of actual valuation as provided by the insurance laws of this state; also, a copy of their last annual report, if any were made; nor shall it be lawful for any such company to transact any business of insurance in this state, unless at least one hundred thousand dollars of its capital is invested in the interest-paying bonds or stocks of the United States, or of this state, or of some other state of the United States, of the market value of one hundred thousand dollars, in the city of New York, or in bonds and mortgages on unincumbered real estate in this state, or in the state under the laws of which such company is or may be organized, of at least double the value of the amount loaned thereon; and such bonds and mortgages deposited with the superintendent of insurance of this state, or the chief financial or other officer of the state in which such company is or may be organized, designated by the laws of such state to receive the same; and if said bonds and mortgages be deposited with the superintendent of insurance or other officer of another state as aforesaid, the superintendent of insurance of this state shall be furnished with the certificate of such other state officer, under his hand and official seal, that he, as such officer, holds in trust and on deposit, for the benefit of all the policy holders of such company, the securities above mentioned, giving the items of such securities, and stating that he is satisfied such securities are worth at least one hundred thousand dollars: Provided, that nothing herein contained shall be construed to prevent the company from collecting the interest on such securities, so long as it continues solvent, and complies with all the provisions of this act applicable to it, nor from exchanging for other securities of equal value, and of the kind hereinbefore named, with the officers having them in trust as aforesaid.

Term of
licenses.

SEC. 19. All licenses granted by the superintendent of insurance in pursuance of this chapter, shall continue in force, unless suspended or revoked, until the first day of April of the year next after the date of their issue; and in case any life insurance company organized under the laws of any other state or government, shall cease to do business in this state according to law, the said company shall appoint, in the manner herein provided for, in every county wherein an agency existed at the date of such discontinuance to do business, one or more agents for the purpose of receiving service of process in all actions upon policies of insurance issued to the citizens of this state, while such company was lawfully transacting the business of insurance in this state, and service of process in the actions aforesaid upon such agents shall be held to be as valid as actual service upon the company; and in every case where no such agent shall be appointed, the agent last designated and acting for said com-

Agents to receive service
of process.

pany, shall be deemed and taken to be duly authorized by said company as to receive service of process as aforesaid: Provided, however, that the officer serving such process shall also send a copy of the process served on such agent, by mail, to the address of such company, at the place of its principal or home office, at the time it ceased to do business in this state, and the return of such officer upon such process shall distinctly show that such copy was mailed as aforesaid, at least thirty days before any judgment shall be rendered in such action.

SEC. 20. All life insurance companies organized by act of congress or under the laws of any other state of the United States, doing business in this state, shall annually file a statement of its condition and affairs in the office of the superintendent of insurance, at the same time and in the same form and manner required of similar companies organized under the laws of this state, except as to requirements of statement by item 14, in section seventeen (17) of this chapter, which schedule shall be required of said companies only when required by the superintendent of insurance for purpose of actual valuation as provided by the laws of this state.

Annual statement of companies of other states.

SEC. 21. If the said annual statement shall be satisfactory evidence to the superintendent of insurance of the solvency and ability of the said company to meet all its engagements at maturity, and that the said deposit is maintained as above required and provided, he shall issue renewal certificates of authority to the agents of said company, certified copies of which shall be filed in the county recorder's office of the county where the agency is located, and which renewal certificates shall be the authority of such agents to issue new policies in this state for the ensuing year.

Renewal certificates of authority.

SEC. 22. It shall not be lawful for any person to act in this state as agent or otherwise, in receiving or procuring applications for life insurance, or in any manner to aid in transacting the business of any life insurance company, partnership or association, incorporated by or organized under the laws of any foreign government, until such company, partnership or association shall have deposited with the superintendent of insurance, for the benefit of the policyholders of said company, partnership or association, citizens or residents of the United States, securities to the amount of one hundred thousand dollars of the kind required, or which may hereafter be required, for similar companies of this state, and shall have appointed an agent or attorney in each county in this state in which the company has established an agency, on whom process of law can be served, and the said company, partnership or association shall have filed with the superintendent of insurance a duly certified copy of the charter or deed of settlement of the said company, partnership or association, and also a duplicate original copy of the letter or power of attorney of such company or association appointing the attorney thereof, which appointment shall continue until another attorney be substituted.

Companies of foreign governments must deposit securities, &c.

Service of
process upon
agents.

SEC. 23. In case any such insurance corporation shall cease to transact business in this state according to the laws thereof, the agent last designated, or acting as such for such corporation, shall be deemed to continue agents for such corporation, for the purpose of serving process, for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this state, and service of such process, for the causes aforesaid, upon any such agent, shall be deemed a valid service upon such corporation.

Statement of
condition to
be filed.

SEC. 24. Such company, partnership, or association, shall also file a statement of its condition and affairs in the office of the superintendent of insurance, in the same form and manner required for the annual statements of similar companies organized under the laws of this state; and such company, partnership or association shall, annually, on the first day of January, or within sixty days thereafter, file with the superintendent of insurance, a statement of all its affairs, in the same manner and form required of similar companies in this state, except as to requirements of schedule of item 14, of section seventeen (17), of this act, which schedule shall be required of said companies only when required by the superintendent for purposes of actual valuation, as provided by the laws of this state.

Supplement-
ary state-
ment.

SEC. 25. Said statement shall be accompanied also by a supplementary annual statement, duly verified by the attorney or general agent of the company, or association in this state, giving a detailed description of the policies issued, and those which have ceased to be in force during the year, the amount of premiums received, and claims and taxes paid in this state and the United States for the year ending on the thirty-first day of December.

Renewal cer-
tificates to
be issued,
and copies
filed, &c.

SEC. 26. Said supplementary statement shall also contain a description of the investments of such company or association in this country, and such other information as may be required by said superintendent of insurance; and if the said annual statement shall be satisfactory evidence to the said superintendent of the solvency and ability of the said company, to meet all its engagements at maturity, he shall issue renewal certificates of authority to the agents of said company, partnership or association, certified copies of which shall be filed by such agents in the county recorder's office, of the county where the agency is located, and which renewal certificates shall be the authority of such agents to issue new policies in this state for the ensuing year.

Certificates
of authority
must be pro-
cured, &c.

SEC. 27. It shall not be lawful for any person, company or corporation, directly or indirectly, to act as agent for any life insurance company, partnership or association, organized under the laws of any foreign government, either in procuring application for insurance, taking risks, or in any manner aiding in the transaction of the business of life insurance in this state, without procuring from the said superintendent a certificate of authority, (which shall be renewable annually,) stating that the foregoing requirements have been complied with, and setting forth the name of the attorney for such com-

pany, a certified copy of which certificate shall be filed in the county recorder's office of the county where the agency is to be established, and which shall be the authority of such company and agent to do business in this state.

SEC. 28. In case of neglect or refusal to make such annual statements, as aforesaid, all persons acting in this state as agents or otherwise, in transacting the business of insurance for said companies, corporations, associations, partnerships or individuals, shall be subject to the same penalties provided by law in case of the failure of an insurance company, organized under the laws of this state, to make an annual statement, as now provided by law.

Penalty for neglect to make annual statement.

SEC. 29. All life insurance companies organized under any law of this state, shall continue corporations for the purpose for which they were chartered, but subject to all the provisions, requirements and penalties imposed on companies organized under this chapter, and entitled to all the benefits and privileges of this chapter.

Existing life insurance companies to be subject to provisions of this act.

SEC. 30. It shall be lawful for any married woman, by herself, and in her own name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use the life of her husband, for any definite period, or for the term of his natural life; and in case of her surviving such period or term, the amount of the insurance becoming due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of the husband or of any of his creditors. And a policy of insurance on the life of any person, duly assigned, transferred or made payable to any married woman, or to any person in trust for her or for her benefit, whether such transfer be made by her husband or other person, shall inure to her separate use and benefit, and that of her children, independently of her husband or their creditors, or of the person effecting or transferring the same, or his creditors. The amount of such insurance may be made payable in case of the death of the wife before the period at which it becomes due, to his, her, or their children, for their use, as shall be provided in the policy of insurance, and to their guardian if under age; provided, however, that if such policies are procured by any person with intent to defraud his creditors, an amount equal to the premium paid on such policy or policies, with interest, shall inure to the benefit of said creditors, subject, however, to the statute of limitations.

Married woman may insure the life of her husband, &c.

Policy shall inure to her separate use, &c.

SEC. 31. Any medical examiner for any life insurance company, or for any person seeking insurance therein, who shall knowingly make any false statement or report to such company or any officer thereof concerning the health or bodily condition of any applicant for insurance, or concerning any other matter or thing which might affect the propriety of granting such insurance, shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined in any sum not exceeding five hundred dollars, or be imprisoned in the county jail not exceeding three months, at the direction of

Penalty for false statement by medical examiner.

the court, and shall, moreover, be liable to the company injured for any damages sustained by reason thereof.

Estoppel of
defence
against
claims for
errors, &c.

SEC. 32. All life insurance companies, after having received at least three annual premiums, on any policy issued on the life of any person in the state, are hereby estopped from defending against any claim arising upon such policy by reason of any errors, omissions or misstatements of the assured in any application made by such assured on which said policy was issued, except as to age or fraud.

Acts repeal-
ed.

SEC. 33. The act entitled an act for the incorporation and regulation of life insurance companies, passed April 16, 1867; an act entitled an act supplementary to an act entitled an act for the incorporation and regulation of life insurance companies, passed May 8, 1868; an act to regulate insurance companies, passed April 15, 1867; and an act amendatory and supplementary thereto, passed May 7, 1869; and an act to amend section twenty-four of an act to regulate insurance companies, passed May 15, 1868; be and the same are hereby repealed; but all charters obtained under any of the acts hereby repealed, and all rights of action and of property acquired by any company under any of the acts hereby repealed, shall be retained as fully as if said act or acts had not been repealed, subject, however, to the provisions of this act.

SEC. 34. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 27, 1872.

AN ACT

To amend section one of an act entitled "An act supplementary to the act entitled 'an act defining the jurisdiction and regulating the practice of Probate Courts,' passed March 14, 1853, and the act supplementary thereto, and to amend said acts, passed May 1, 1864, (1854)," passed March 4, 1865. (S. & S., page 628.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act be amended so as to read as follows:

Duties of
probate
judge ap-
pointed to
fill vacancy.

Section 1. That whenever the office of probate judge in any of the counties of this state, has or may hereafter become vacant by death, resignation, expiration of term of service or otherwise, and when all proper and necessary entries and records of the business, or any portion thereof, transacted in said court during the continuance in office of any former judge thereof, shall not have been made as required by law by the probate judge, whose duty it was to

make such entries or records, it shall be and is hereby made the duty of the probate judge appointed or elected and qualified to fill such vacancy to make, in the respective books of his office, the proper records, entries and indexes, as required by law, of all the business transacted in said probate court by any of his predecessors in office, of which the proper entries, records and indexes, or any of them, were not made by such predecessor in office. And it shall also be and is hereby made the duty of any probate judge in this state, on the requirement of the county commissioners, to cause to be made proper alphabetical indexes, in the manner prescribed by law for the other records of his office, of all records heretofore transferred from the court of common pleas of his county and deposited in his office, and not heretofore indexed; or in any cases where the indexes of said records, or any of them, may have been lost or destroyed; and that such entries, records and indexes, when so made, shall have the same validity, force and effect as though the same had been made at the proper time as prescribed by law, and by the officers whose duty it was to make the same.

SEC. 2. That section one of the above recited act is hereby repealed.

SEC. 3. This act shall take effect on its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To regulate the sale of Mineral Oils and other substances for illuminating purposes, and to repeal an act entitled "An act to provide for the inspection of mineral oils for illuminating purposes," passed April 16, 1867. (S. & S., 402.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person or persons to offer for sale, for illuminating purposes, as agent or otherwise, any mineral or petroleum oil, or any oil, fluid or substance which is a product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent element, until after he or they have tested the same in the manner following, to-wit: By taking not less than half a pint of the oil, fluid or substance to be tested, and placing the same in a small vessel, in which there is no other substance, of such dimensions that the surface of the oil, fluid or substance shall not exceed four square inches in area, and placing a Fahrenheit's thermometer in said oil, fluid or substance in said vessel in such a manner that the ther-

Unlawful to sell mineral oils not properly tested as to explosive qualities.

Manner of testing.

mometer will indicate the temperature of the oil, fluid or substance being tested, which shall then be gradually heated at a rate of not less than two degrees per minute, Fahrenheit, to a temperature at which said oil, fluid or substance will emit a gas or vapor that will ignite by bringing the flame of a lighted match or other burning taper in contact with the surface of the article being tested, with such frequency and in such manner as to ascertain the exact temperature by said thermometer at which said fluid, oil or substance will emit a gas or vapor that will ignite, at any temperature below 110 degrees, Fahrenheit, then it is hereby declared to be dangerous, and it shall be unlawful to sell or offer the same for sale.

**Penalty for
selling explosive
oils.**

SEC. 2. That any person or persons who shall offer for sale, for illuminating purposes, any oil, fluid or substance mentioned in the first section of this act, until after he or they have tested, or caused the same to be tested, as prescribed in this act, or who shall offer for sale, for illuminating purposes, any of said articles that will emit gas or vapor that will ignite at any temperature below 110 degrees, Fahrenheit, under the test prescribed in this act, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than one hundred dollars, or imprisoned in the jail of the county not exceeding twenty days, or both, at the discretion of the court, and shall pay the costs of prosecution.

**Penalty of
manufacturer,
etc.,
for such sale.**

SEC. 3. That if any manufacturer, refiner or wholesale dealer of any oil, fluid or substance mentioned in the first section of this act, as agent or otherwise, shall sell for illuminating purposes any oil, fluid or substance mentioned in said section, that will emit a gas or vapor that will ignite at any temperature below 110 degrees, Fahrenheit, under the test in this act prescribed, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not exceeding one thousand dollars, or imprisonment in the jail of the county not exceeding twenty days, or both, at the discretion of the court trying the case, and shall pay the costs of prosecution.

**Penalty of re-
tailer for il-
luminating
purposes.**

SEC. 4. That if any person or persons shall sell for illuminating purposes, and in a quantity less than one barrel at a single sale, any oil, fluid or substance that will emit a gas or vapor that will ignite at any temperature below 110 degrees, Fahrenheit, under the test prescribed by this act, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than twenty-five nor more than two hundred dollars, or imprisoned in the jail of the county not exceeding ten days, or both, at the discretion of the court, and shall pay the costs of prosecution.

**Liability for
damages.**

SEC. 5. That if any person shall sustain any damage to his property, or injury to his person, by reason of a violation of any of the provisions of this act by another person, the person guilty of said violation shall be liable to the person injured for all damage sustained thereby.

**Contracts in
violation of
this act void,
etc.**

SEC. 6. That any and all contracts made in violation of the provisions of this act are hereafter declared to be void, and the vendee may return the oil, fluid or substance purchased, at

the expense of the vendor, and recover from the vendor all that he had paid therefor, including all charges for transportation, and all other damages resulting directly from said sale.

SEC. 7. That the council of any city or incorporated village may provide by ordinance for using any of said articles, of a lower grade than 110 degrees, Fahrenheit, in the street lamps provided by said city or village for lighting its streets or alleys, in which case it shall not be unlawful to offer for sale or sell any of said articles, to be used only in such street lamps, to officers duly authorized by said city or incorporated village to purchase for that purpose: Provided, that any person who shall use any of said articles, purchased under and by virtue of such an ordinance, for illuminating purposes, in any other instrument, lamp or lamps than said street lamps, he or they shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars, or imprisoned in the jail of the county not less than one nor more than ten days, at the discretion of the court, and shall pay the costs of prosecution.

Exception as to cities and villages for street lamps.

SEC. 8. That the above recited act, passed April 16, 1867, (S. & S., 402,) be and the same is hereby repealed.

SEC. 9. This act shall take effect and be in force from and after the first day of August next.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852. (S. & C., 271.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any railroad company, the terminus or termini of whose road may now or shall be upon the line or boundary of this state, shall be considered as having complied with the provisions of section one of the act to which this is supplementary, in regard to "the name of the place of the termini of said road," by having named in the certificate provided for in said section one, the county of this state so bordering on the line of the state and within the same where such terminus and termini shall be: Provided, that upon the location of said road, such company shall file in the office of the secretary of state a supplemental certificate definitely fixing said location.

Definition as to termini of railroad.

SEC. 2. That whenever any railroad incorporated under any general law of this state, shall desire to extend either of the termini of the line of their railroad to and into any county of this state, adjoining the one in which either of

Change of termini of railroad.

their termini may be, the president and directors of said railroad company may submit the question of such extension and change of terminus to a meeting of the stockholders of said company to be called for that purpose; and if the holders of a majority in amount of said stock in person or by proxy shall so determine, then the said president and directors, be and they are hereby empowered and authorized to make out a certificate of the fact, naming the place of the new termini or terminus of said road, which shall be attested as provided in the act of which this is supplementary, in case of original certificates, and file it in the office of the secretary of state, and such certificate shall have all the force and effect of an original certificate, and such extension shall, to all intents and purposes, be considered and held to be a part of the original line of said railroad.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To repeal section four of an act therein named.

Repeal of a
section.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section four of the act entitled "An act to establish Ohio Soldiers' and Sailors' Orphans' Homes," passed April 14, 1870, be and the same is hereby repealed: Provided, nothing herein shall affect any action taken or rights acquired under said section.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize cities of the first class to issue bonds for University purposes.

Issue of
bonds to
build and
furnish uni-
versities
authorized.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the common council of any city of the first class, wherein a board of directors of any university, college or institution for promoting education, has been or may hereafter be elected in pursuance of the provisions of the act entitled "An act to enable cities of the first class to aid and promote

education," passed April 16th, 1870, are hereby authorized to issue the bonds of said city in any sum not exceeding one hundred and fifty thousand dollars, to provide for the buildings and apparatus necessary for such university, said bonds to bear a rate of interest payable semi-annually, not exceeding seven per cent. per annum, payable at such date and for such length of time as to said council may seem expedient; the same shall be sold at not less than par, and the proceeds of such sale, credited in the account of such university, and applied by the directors thereof exclusively to the said purposes.

SEC. 2. If any bonds of such city be issued, as provided in the foregoing section, it shall be the duty of the common council annually thereafter until the same and the interest thereon shall be fully paid, to assess and levy the tax authorized by the fifth section of said act, passed 16th of April, 1870, and the proceeds thereof shall be pledged by such common council in payment of the interest which may accrue on said bonds, and as a sinking fund for the redemption of the principal.

Tax for interest and sinking fund.

SEC. 3. Whenever any of the bonds herein provided for shall be for sale, not less than ten days previous notice thereof shall be advertised in said city; said advertisement to be published daily until the day of sale, the same to specify that sealed bids will be received at a place and until an hour designated. The bids shall then be opened and read in the presence of the bidders present, and the bonds shall be sold to the highest bidder, the said city, however, reserving the right to reject all bids.

Sale of bonds.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To promote and encourage Law Library associations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all counties in the state containing in their limits a city of the first class, with a population at the last federal census of less than one hundred and fifty thousand and more than fifty thousand inhabitants, and having therein a police court, in which city there now is or hereafter may be established a law library association, which by the articles of its organization provides free of charge to all county officers and judges of the courts of such county, the use of its law books the same as to its regular members; it shall be lawful for, and the judges of the courts of common

Librarian to be appointed by court of common pleas.

pleas of such counties are hereby authorized, upon the recommendation of the trustees of said association, to appoint a suitable person as special bailiff to act as librarian of such association, and to be paid compensation out of the county treasury, to be fixed by said judges, not exceeding five hundred dollars per annum.

Appropriation of fines by police court.

Proviso.

SEC. 2. That all fines and penalties which may hereafter be assessed and collected by the police court, and mentioned in the first section of this act, for all offenses and misdemeanors prosecuted in the name of the state of Ohio, which shall be tried and determined in such police court, except such as now by law go into the school fund, shall by the clerk of such court, after retaining such sums as shall be equal to compensation allowed by the county commissioners to the judge, clerk and prosecuting attorney of such court for services in state cases, be paid by him quarterly to the trustees of said law library association of said county, to be expended in the purchase of law books and the maintenance of said association: Provided, that the sum so paid, shall not exceed five hundred dollars per annum, and all justices of the peace of such counties; and all officers of all townships, incorporated villages, and cities, in said counties, shall have the same free use of the books of such library, as is provided for the judges and county officers in the first section; and the trustees of such association, shall, on the first Monday of each year, make a detailed statement to the auditor of such county, verified by the oath of the treasurer of such association, of the amount of fines and penalties so received, and of the money expended by the said association.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To provide for the appointment of trustees to minors and insane persons, residing out of this state and having property in same.

Appointment of trustee of minor or insane person, residing out of the state.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That when any minor or insane person residing out of the state, has any real estate, goods, chattels, rights, credits, moneys or effects in this state, the court of common pleas or probate court, of the county where such property or any part of it may be situated, shall have power, whenever the said court consider it necessary, to appoint a trustee of such minor or insane person, to manage, collect, lease and take care of such property.

SEC. 2. The appointment of a trustee first lawfully made, shall extend to all the property and effects of the minor or insane person in this state, and shall exclude the jurisdiction of the court of common pleas or probate court in any other county.

Extent of his jurisdiction.

SEC. 3. The said trustees shall give bond with surety, and shall take upon himself the care and management of the estate and property of such minor or insane person, situate in this state, and the collection of debts and other demands due such minor or insane person from persons residing or being in this state, and shall settle with the court, and shall be liable to suit or removal for neglect or misconduct in the performance of his duties, in like manner as is or may be provided by law in respect to guardians of minors.

Bond, and duties.

SEC. 4. The said trustee is hereby authorized to sell the real estate of said minor or minors, or insane persons, under the same rules and regulations as are now, or may be provided by law, for the sale of real estate by guardians of minors in this state.

Sale of real estate.

SEC. 5. The said trustees shall, unless removed by the court, hold his appointment until such minor arrives at the age of majority, whether such minor be under twelve or over fourteen years of age at the time of appointment, or until the disability of such insane person is removed, and shall receive the same compensation for his services as is or may be provided by law for guardians.

Term of office, and compensation.

SEC. 6. All moneys due to such minor or insane person, in the hands of such trustee, shall, during the minority of such minor or incapacity of such insane person, be paid over to the foreign guardian of such minor, or in case of the decease of such minor, during his or her minority, or the decease of such insane person during incapacity, to the administrator or other legal representative of such minor or insane person: Provided, that the court which appointed such trustee, shall have satisfactory proof of the authority of such guardian or administrator, or other legal representative, to receive the moneys or estate of such minor or insane person, and that the security given by such guardian or administrator, or other legal representative, is sufficient to protect the interest of such minor or insane person, his or her estate, and shall moreover deem it best for the minor or insane person, or his or her estate, and shall so order accordingly.

Disposition of moneys of such minor or insane person.

SEC. 7. When any foreign guardian of such minor or insane person, shall apply to have all or any of the moneys in the hands of such trustee, paid over to him, he shall file his petition or motion to that effect, in the court by which such trustee was appointed, and shall give such notice to the trustee of the time and hearing thereon, as the court shall direct, and upon the hearing thereof, the court shall make such order, as under all the circumstances it shall deem for the best interests of such minor or insane person.

Application of foreign guardian for moneys.

SEC. 8. The act entitled "An act to provide for the appointment of trustees to minors residing out of this state, and having property in the same," passed March 19, 1849,

Acts repealed.

(S. & C., 679), and the act supplementary to, and amendatory thereof, passed April 23, 1862, (O. L., 59,) and the act amendatory of section 4 thereof, passed March 29, 1867, (S. & S., 385,) be, and the same are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To amend an act entitled "An act further to prescribe the duties of sheriffs and coroners," passed and took effect April 20th, 1868. (S. & S., page 734.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three (3) of said act, passed April 30, 1868, be so amended as to read as follows :

All papers
and moneys
to be paid
over by
sheriff to his
successor.

Section 3. It is hereby made the duty of such sheriff or coroner, upon retiring from office, to pay over to his successor in office all moneys so received by him as aforesaid, then remaining in his hands, and to deliver to his successor in office all notes, mortgages and other evidences of indebtedness ; and it is hereby made the duty of each sheriff to demand and receive from his predecessor the moneys, books and papers as aforesaid.

SEC. 2. That section three (3) of said act, passed April 30, 1868, is hereby repealed.

SEC. 3. This act to take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To amend section eighty-seven of an act entitled "An act to establish a code of criminal procedure for the state of Ohio," passed May 6th, 1869. (O. L., vol. 66, page 300.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That said original section eighty-seven be so amended as to read as follows :

Section 87. If any person held in jail charged with an in-

dictable offense, be not indicted at the term of the court at which he is held to answer, he shall be discharged, unless such person shall have been committed to jail on such charge after the rising and final report of the regular grand jury for said term, in which case the court, in its discretion, may discharge such person, or order a new grand jury, as provided in the act to which this is amendatory, or require such person to enter into recognizance with sufficient security for his appearance before said court to answer such charge at the next term thereof: Provided, that such person so held in jail without indictment shall not be discharged, if it appears to the court that the witnesses for the state have been enticed or kept away, or detained and prevented from attending court by sickness or unavoidable accident.

Discharge, or other disposition of person held in jail and not indicted.

SEC. 2. This act to take effect and be in force from and after its passage, and said original section eighty-seven is hereby repealed.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To amend section forty-eight of "An act prescribing the duties of county auditors," passed April 4, 1859. (S. & C., 107, 56 vol. statute, 128,) as amended April 30, 1862. (S. & S., 28, 59 vol. statute, 78).

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That* section forty-eight of an act prescribing the duties of county auditors, passed April 4, 1859, as amended April 30, 1862, be amended so as to read as follows:

Section 48. The auditors of the several counties in this state shall cause the list of delinquent lands in their respective counties, to be published weekly for two weeks, between the twentieth day of December and the third Tuesday in January, in one newspaper in the English language, and no more, printed and of general circulation in their respective counties, and also in one newspaper in the German language in all those counties wherein there shall be printed and published a newspaper in the German language and of general circulation therein, and if no paper be printed therein, then in some newspaper in the English language having general circulation in such county, to which list there shall be attached a notice that said delinquent lands will be sold by the county treasurer as provided in the twenty-third section of this act; that there shall be allowed and paid to each of the publishers of newspapers for advertising the delinquent and forfeited lists of the several counties, and the notice of sale, a sum not ex-

Delinquent list to be published in one English and one German paper.

ceeding the rates named in section fifty-three of above named act, as amended April 30, 1862, which said notice shall be in substance as follows, that is to say:

DELINQUENT TAX SALE.

Notice of
sale.

The lands, lots and parts of lots returned delinquent by the treasurer of _____ county, together with the taxes and penalty charged thereon agreeably to law, are contained and described in the following list, viz:

[Here insert the list with the name or names of the owner or owners of said respective tract of land or town lot, as the same are designated on the duplicate.]

And notice is hereby given that the whole of said several tracts, lots or parts of lots, or so much thereof as will be necessary to pay the taxes and penalty charged thereon, will be sold by the county treasurer at the court house in said county on the third Tuesday in January next, unless said taxes and penalty be paid before that time, and that the sale will be continued from day to day until the said several tracts, lots and parts of lots shall have been sold or offered for sale.

[Date of notice.]

, County Auditor.

SEC. 2. Section forty-eight of said act is hereby repealed, and this act shall take effect on its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To repeal section two of an act entitled "An act to prevent trespasses upon lands belonging to the state of Ohio, and further to prescribe the duties of the superintendent of the State House." (S. & S., p. 650.)

Repeal of
section.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That section two of the above entitled act be and the same is hereby repealed, and that this act shall take effect and be in force from and after its passage.*

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

Supplementary to an act entitled an act to provide for the creation and regulation of incorporated companies in the state of Ohio, passed May 1, 1852. (S. & C., p. 271.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any railroad company organized under the act to which this is supplementary, which shall have been in existence for a period of three years, may, by a vote of two-thirds of the stockholders thereof, on notice given by the president of such corporation at least thirty days prior to a meeting thereof, to be published in each county along the line of said proposed railroad, dissolve such corporation and disband the same: Provided, provision shall be made to pay the debts of such incorporation; and provided further, that the construction of such railroad shall not have been actually commenced, or having been commenced, shall have been abandoned for three years.

Dissolution of railroad corporation in certain cases.

SEC. 2. It shall be the duty of the president and secretary of such meeting to certify to the secretary of state, the proceedings of such meeting, that the corporation has availed itself of the provisions of this act and is dissolved.

Dissolution to be certified to secretary of state.

SEC. 3. This act shall take effect on its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the removal of obstructions from and the clearing out of the channel of the Scioto river, at the southern terminus of the Ohio canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized and required, at the earliest practicable time, to cause the removal of all sand-bars, drifts and obstructions, from so much of the Scioto river as lies between the southern terminus of the Ohio canal, in Scioto county, and the Ohio river, and to clear out the channel of the same in such a manner as to allow the free transit of boats between the mouth of said canal and the mouth of the Scioto river.

Board of public works to remove obstructions, etc.

SEC. 2. The said board of public works may, if they deem it expedient or necessary, employ the resident engineer on said canal to superintend the work herein designated.

Resident engineer may superintend removal. Appropriation therefor.

SEC. 3. To carry into effect the provisions of this act, there is hereby appropriated from the general revenue of the state, to be expended under the warrant of the said board of public

works, the sum of ten thousand dollars, the same to be refunded to the general revenue from the proceeds of the public works as rapidly as the same may become available for that purpose.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To amend the twelfth section of an act entitled "An act regulating the mode of administering assignments in trust for the benefit of creditors," passed April 6, 1859.

SECTION 1. *Be it enacted by the General Assembly of [the State of] Ohio,* That the twelfth section of the above recited act be so amended as to read as follows :

Section 12. That the probate judge may, on the application of the assignee or of any creditor, or without any application, at all times require the assignor, upon reasonable notice, to attend and to submit to an examination on oath upon all matters relating to the disposal of his property, to his trade and dealings with others and his accounts concerning the same, to all debts due or claimed from him, and to all other matters concerning his property and estate, and the due settlement thereof according to law, which examination may, at the request of any party to the proceeding, be reduced to writing; and the said probate judge may in like manner, at any time before the final settlement of the accounts of the assignee, require the attendance of the assignee or any other person as a witness, and examine him or her upon oath, as to all matters appertaining to the estate of the assignor or to the administration of the said trust. And the said probate judge may, upon or after such examination, make and enforce any orders upon proper parties, which he may deem necessary to prevent any fraudulent transfer or change in the property or effects of the assignor, or the allowance or payment of any unjust or fraudulent claim out of his estate; provided, that appeals may be taken as in other cases.

SEC. 2. That said original section twelve of said act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

Examina-
tion of as-
signor as to
honesty of
assignment,
&c.

Orders to
prevent frau-
dulent trans-
fer, &c.

AN ACT

To provide for the incorporation of Educational associations.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any number of persons, not less than five, other than the trustees of universities, colleges, academies and seminaries, desiring to create a fund, the income of which shall be applied to the promotion of education, may associate and become a body corporate by complying with the provisions of this act.

Associations
for promotion of
education.

SEC. 2. The persons so associating shall make a certificate, specifying a name for the corporation, the object of its formation, the individual subscription thereto necessary to membership, and the county in which it shall be located. Said certificate shall be acknowledged before a notary public, and recorded in the office of the recorder of said county.

Certificate of
incorporation.

SEC. 3. When the foregoing provisions shall have been complied with, the said persons, their associates and successors, shall be a body corporate, with power to do all acts needful to effect the purpose of the corporation.

Body corporate.

SEC. 4. The said persons, or any of them, may receive subscriptions for membership in said corporation, and they or a majority of them, by giving ten days notice by publication in said county, may call a meeting of members to adopt by-laws and elect not more than nine directors. Each member shall have a vote for every amount by him subscribed equal to that in said certificate specified, which may be cast in person or by proxy, but at no subsequent meeting may a member vote or be eligible as a director who shall be in arrears to the corporation. The directors of the corporation shall control its funds, but disburse its income as may be provided by by-laws.

Powers
thereof.

SEC. 5. The members of a corporation organized under this act shall not be liable beyond their respective subscriptions, but the directors thereof shall be severally liable for all debts by them contracted beyond the income of said fund.

Liabilities.

SEC. 6. This act shall take effect on its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 27, 1872.

AN ACT

To amend an act entitled "An act relating to the sale of bonds of railroad companies, and to increase the number of directors," passed December 15th, 1852. (S. & C., 321.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the second section of the act to which this is an amendment, be so amended as to read as follows:

Directors
must not pur-
chase stock,
etc., for less
than par
value.

Section 2. No director of any railroad company shall, either directly or indirectly, purchase from such company, of which he is or may be a director, any of the capital stock or any of the bonds, notes or other securities of such company of which he is or may be a director, for less than the par value thereof, and all such stocks, bonds and notes or other securities that may be purchased by any such director for less than the par value thereof, as aforesaid, shall be null and void.

SEC. 2. That original section two of the act aforesaid, be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To provide for the appointment of Guardians for Imbeciles.

Appointment
of guardians
for imbeciles.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the authority to appoint guardians, conferred in section forty-one (41) of the "Act to provide for the uniform government and better regulation of lunatic asylums of this state, and the care of idiots and the insane," passed April 7, 1856, shall be construed to extend to and authorize the appointment of guardians for imbeciles, in the manner and under the restrictions and limitations provided therein: Provided, that such appointment shall be regarded only as prima facie evidence of imbecility.

SEC. 2. This act shall take effect from its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To suppress and prohibit Obscene Publications.

Sale, &c., of
obscene
books, &c.,
unlawful.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be unlawful for any person, or persons, by agent or otherwise, to print, publish, circulate, sell or offer, or expose for sale, barter or traffic, in any way, any obscene, lewd and lascivious book, pamphlet, periodical,

paper or other publication, painting or picture; or any book, pamphlet, periodical, paper or other publication containing any obscene, lewd and lascivious engraving, drawing, or picture, or to exhibit or expose in any public place any such book, pamphlet, periodical, paper or other publication, painting or picture.

SEC. 2. Every person who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five dollars or more than fifty dollars, or be imprisoned in the county jail not less than thirty days, or both, at the discretion of the court.

Penalty
therefor.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To amend "An act to authorize the sale and transfer of the Walhonding canal," passed April 13th, 1868.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section three of the above entitled act be amended so as to read as follows :

Section 3. That in any transfer that may be made of said canal to any railroad company under this act, said railroad company shall be required to keep repaired and maintain said canal for the purpose of furnishing water to all mills, factories and other hydraulic works now erected and in process of erection, and propelled or to be propelled by water taken from said canal under leases from the state, and in accordance with the terms and conditions of said leases; and before any transfer of said canal to any railroad company shall be made as above provided, the board of public works shall obtain the written consent thereto, and release to the state from all liability, of all persons or companies holding water leases from the state along the line of said canal; or shall obtain from said railroad company such security as, in the judgment of said board of public works, may be necessary to secure the faithful performance by said railroad company of the obligations of the state to any and all lessees of water power along the line of said canal.

Condition of
transfer.

Release from
liability to
be obtained.

SEC. 2. This act shall take effect and be in force from and after its passage.

SEC. 3. Said original section 3 is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.]

AN ACT

To provide for a re-separation and classification of the Morgan raid claims.

- SECTION. 1.** *Be it enacted by the General Assembly of the State of Ohio,* That the governor of said state be and he is hereby authorized to appoint a commission of three men, whose duty it shall be to examine the report of the commissioners appointed under the act of March 30th, 1864, "to re-examine claims growing out of the Morgan raid and prescribing their duties," and upon the "facts" and evidence reported to the governor by said commission, and the sworn testimony or affidavit of the claimant in every case, re-separate and re-classify the claims allowed by said commission.
- SEC. 2.** That said commission, upon said investigation, shall set over and transfer to the third class of the same such claims for property taken, destroyed or injured by the rebel or by the union forces, under command of United States officers, as they may determine should be so classified upon the evidence submitted to them.
- SEC. 3.** That said commission shall at once enter upon the discharge of their duties as soon after appointment as practicable, and shall report to the governor the result of their labors, from time to time, as they progress.
- SEC. 4.** Upon the report of said commission, the claims so reported to the said governor shall be treated and considered by all state officers as claims belonging to the third class of claims as reported by said commission appointed under the said act of March 30, 1864.
- SEC. 5.** The commissioners appointed under this act shall, before entering upon their duties, take an oath of office; and their duties shall cease on the 1st day of September, 1872.
- SEC. 6.** The commissioners shall each receive five dollars per day for so many days as they may be necessarily employed in the discharge of their duty, to be paid on the certificate of the president of the board.
- SEC. 7.** Said commission shall organize by electing one of their number as president and one as secretary, and shall keep a record of their proceedings.
- SEC. 8.** This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To amend an act to extend the time for the completion of unfinished railroads, passed April 14, 1870.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in which any railroad company heretofore incorporated has been duly organized under any law of this state, and has commenced in good faith the construction of any portion of its railroad, and has made expenditures thereon, and the act incorporating said company, or any law of this state, requires the completion sufficient for use of said railroad or any part thereof, within any limited period after the passage of the act incorporating such company, or after the organization thereof, and such company has not so completed said railroad or such specified part thereof, within said limited period, and such period has not expired, or has been temporarily extended, by order of any court of competent authority, or by act of the legislature of the state of Ohio, it shall be lawful for said railroad company, to proceed in the construction of said railroad or such part thereof, and complete the same at any time within five years from and after the expiration of the time limited by the laws in relation thereto: Provided, however, that the provisions of this act shall not apply to any railroad company that has completed and operated any portion of its road under its original or amended charter, and has for ten years previous to the passage of this act, abandoned or suspended work upon the remaining portion of its line of road, or to any railroad company or any assignee or lessee thereof, that had prior to the passage of said act, laid out and partly constructed its railroad, not however, having completed any portion thereof, and has not within a period of fifteen years or more prior to the passage of this act, done or caused to be done any work thereon in good faith towards the completion of such railroad.

Extension of
time for com-
pleting roads
in certain
cases.

SEC. 2. That the act to which this is amendatory, passed April 14, 1870, be and the same is hereby repealed.

SEC. 3. This act shall be in force from its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize hydraulic companies incorporated under the laws of this state to consolidate with hydraulic companies in adjoining states.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That any hydraulic company now or hereafter

Consolidation of hydraulic companies authorized.

organized under the laws of this state, is hereby authorized and empowered to consolidate with any other hydraulic company in this or any adjoining state, in any case where works of such companies may be, or are proposed to be connected; which consolidation shall be by an agreement of said corporations, duly ratified by a vote of two-thirds of the stock of each of such companies, and when so consolidated shall constitute one company, taking such name as the agreement shall designate, and if both are organized under the laws of this state, the consolidated company shall possess all the rights, privileges, and franchises of each of said corporations parties to the same, and if one be organized under the laws of any other state, the consolidated company shall possess all the rights, privileges, and franchises of the company organized under the laws of this state, and in either case the consolidated company shall possess and hold all the property and rights of action, subject to all liens upon the respective property of each of said companies; and all debts, liabilities, and duties of either of said companies shall thenceforth attach to said new company, and may be enforced against it.

Meeting of stockholders to consider consolidation.

SEC. 2. That notice of a meeting to take into the consideration said agreement to consolidate, shall be given to the stockholders of such companies, by the secretaries of the respective companies, by publication in a newspaper printed and published in the county where such corporation is located, thirty days previous to such meeting, stating the object of the meeting; a printed copy of such notice, when the residence of any stockholder is out of the county, shall be sent by the secretary of each company by mail to any such of its stockholders. The publication and sending of such notice to be certified by said secretaries on their respective record books.

Election of Directors, &c.

SEC. 3. It shall be the duty of said stockholders at said meeting so called, to take into consideration said agreement to consolidate, and after the adoption of the same, to appoint the time and place for the election of directors and other officers of the new corporation which may be provided for in said agreement, a certified copy of which, and of the proceedings and vote on such consolidation, shall be certified by the officers of such meeting under their seals, and be acknowledged by them before an officer authorized by the laws of Ohio to take acknowledgment of deeds, and shall be forthwith filed in the office of the secretary of state of the state of Ohio, and a copy of said agreement and act of consolidation so filed in the office of the secretary of state, duly certified by him under the great seal of the state of Ohio, shall be evidence of the existence of the corporation of such consolidated company.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate

Passed April 27, 1872.

AN ACT

To make it the duty of County Auditors to levy extra taxes for road purposes in certain cases; supplemental to an act passed May 2, 1871. (O. L., vol. 68, page 116.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever it shall be made known by petition to either of the county auditors of this state, that two-thirds of the resident freehold tax payers, living on the line of any state road, county road, or free turnpike road, within his proper county, desire an extra tax for the purpose of constructing, improving or repairing such road, it shall be the duty of the said county auditor to levy a tax for that purpose, of any amount that may be desired, not exceeding six mills on the dollar valuation, in any one year, on all the lands and taxable property for any distance on each side of such road, not exceeding one mile, and in no case more than half the distance from such road to any other state, county or free turnpike road, running parallel or nearly parallel thereto.

County auditor to levy additional tax in certain cases.

SEC. 2. That when any tax shall be levied as aforesaid, it shall continue for the term of three years and no longer, unless at the expiration of the three years, as aforesaid, the petition or request shall be renewed; and in that event, such tax shall be levied for the term of three years longer.

Duration of tax.

SEC. 3. That the county auditors, as aforesaid, are hereby authorized and required to levy such tax as aforesaid on the lands and property on the line of any such road, in any township of the proper county, when petitioned for by three-fourths of the resident freehold tax payers on said road, in such township only.

Lands subject to levy.

SEC. 4. That all taxes arising under the provisions of this act may be discharged by labor on the proper road, under the direction of the supervisor of the district or districts in which said road or roads are located, as otherwise provided by law: Provided, that the rate of labor shall be one dollar and fifty cents per day, and a ratable proportion for teams and implements.

Rate of labor in discharge of tax.

SEC. 5. That if said taxes are discharged by labor upon such road or roads under the direction of said supervisor, as provided in the fourth section of this act, it shall be the duty of the supervisor to receipt therefor, as in other cases for like services, and said receipt shall be received by the county treasurer in discharge of such tax.

Supervisor to give receipts for labor.

SEC. 6. That all taxes arising under the provisions of this act, and not discharged by labor as provided in the two preceding sections of this act, the same shall be collected as other taxes by the treasurer of the county, and by him paid over to the township treasurer of the township in which said road or roads is or are situated, and the same shall be disbursed by the trustees of said township upon the roads for which the same was levied, as other road tax: Provided, that if any road, for the benefit of which any tax shall have

Collection and disbursement of taxes not discharged by labor.

been levied by the provisions of this act, shall be on a township line, the county treasurer shall pay to each of the township treasurers their respective shares of said taxes collected in their respective townships.

SEC. 7. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To provide for the classification and election of trustees of institutions of learning.

Acceptance
of, and organ-
ization under
this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of trustees of any university, college or other institution of learning in this state, heretofore incorporated and now acting under the patronage of one annual conference or other religious body of any religious denomination, may accept the provisions of this act by resolution adopted at any meeting of said board of trustees, and entered upon the record or journal of the proceedings of said board; and after the provisions of this act are so accepted, the said board of trustees shall be organized, constituted, regulated and perpetuated under the provisions of this act: Provided, however, that no right acquired by any such board of trustees, university, or other institution of learning, under its charter, or other law of this state, shall in any way be impaired or affected by this act.

Certificate to
patronizing
conference,
etc. }

SEC. 2. After the acceptance of this act, as provided for by the first section hereof, the board of trustees shall certify such acceptance to the patronizing conference, or other religious body having the right to elect or appoint trustees of such university, or other institution of learning, at the next meeting of such conference or other religious body, and thereafter said board shall consist of fifteen trustees, and be divided into three classes of five members each; and at the first election or appointment after the acceptance of this act aforesaid, one of such classes shall be elected or appointed for one year, one for two years, and one for three years; but in all subsequent elections or appointments, each of said classes of trustees shall be elected or appointed for three years; and all vacancies which may occur in any class of said trustees otherwise than by expiration of the term of office, shall be filled only for the remainder of the term.

Board of
trustees.

Quorum of
board.

SEC. 3. After the board of trustees shall be elected or appointed under the provisions of this act, eight members thereof shall constitute a quorum for the transaction of business.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend an act entitled "An act to provide for the organization and government of municipal corporations," passed May 7, 1869. (Ohio Laws, 1869, p. 161), and amended April 18, 1870. (O. L., 1870, p. 70.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section seventy-one of the above recited act be amended so as to read as follows:

Section 71. Special elections of members of the council, or of any officer chosen by the electors, shall be held within twenty days after a vacancy happens, or an elective office is created, unless the regular day for municipal elections shall occur within sixty days after such vacancy, at such time and place as the mayor shall direct, so that ten days notice of such elections shall be first given: Provided, that in incorporated villages, the mayor, by and with the consent of the council, shall have power to fill all vacancies which may happen in their board, from the qualified electors of the corporation, who shall hold their appointments for the unexpired term, and until their successors are elected and qualified; provided, that the person or persons appointed to fill such vacancy, shall qualify in all respects as though elected to such office.

Special election, and appointment, to fill vacancy in council.

SEC. 2. That section seventy-one of the act to which this is amendatory be and the same is hereby repealed.

SEC. 3. This act shall take effect on and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend section one of an act entitled "An act to amend section one of 'an act to fix the compensation of county commissioners,' passed March 10, 1859, as amended May 1, 1862, and to repeal a certain act," passed April 8, 1865. (S. & S., page 85.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the above recited act be so amended as to read as follows:

Compensation of county commissioners for services.

Section 1. That each county commissioner shall be allowed three dollars for each and every day that he may be employed in his official duties, and five cents per mile for his necessary travel for each regular or called session, not exceeding one session in each month, or twelve sessions in any one year, to be paid out of the county treasury on the warrant of the county auditor, except in counties in which by the last federal census the population amounted to one hundred thousand or upward, in which counties each commissioner shall be allowed four dollars per day for his services, not to exceed six days in each week. Each commissioner for services when necessarily engaged in attending to the business of the county pertaining to his office under the direction of the board, other than in attending regular or called sessions of the board of commissioners, shall be allowed the same per diem as is provided by this act for attendance upon sessions of the board, and, when necessary to travel on official business out of his county, shall be allowed in addition thereto his reasonable and necessary expenses actually paid in the discharge of his official duty: Provided, that no claim for such service and expenses last above mentioned shall be allowed or paid until an itemized statement of the same, verified by the affidavit of the commissioner claiming to have rendered the service and paid the expenses aforesaid, shall have been examined and approved by the prosecuting attorney and allowed by the court of common pleas of the proper county, when the same shall be paid out of the county treasury on the warrant of the county auditor.

SEC. 2. That section one of the above entitled act and section eight of an act entitled "An act further to prescribe the duties of county commissioners," passed April 8, 1856 (S. & C., page 249), be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To authorize the city of Cleveland to enter upon and occupy a part of the Ohio Canal.

City of Cleveland authorized to appropriate a certain portion of canal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That authority and permission shall be granted, in the manner hereinafter stated, to the city of Cleveland to take, enter upon, improve and occupy, as a public highway, or for other purposes, and for laying therein gas and water pipes, and for sewerage purposes, as the city council of said city may determine, all that part of the Ohio canal which

extends from the Cuyahoga river, where it enters said river, southerly to a point sixteen hundred feet north of the south line of said city of Cleveland, where said line crosses said canal, together with the basin, tow path, and appurtenances thereto belonging, including the entire width of said canal, its basin and appurtenances, in so far as the same is owned and held by the state; but said grant shall be made subject to all outstanding rights or claims, if any, with which it may conflict.

SEC. 2. That said city of Cleveland shall be liable for all damages that may accrue from the vacation and abandonment of so much of said canal as shall be taken by said city; but nothing herein shall relieve the lessees of said canal, or their assigns, from any responsibilities imposed upon them by law, or in any way arising from the instrument or instruments of lease held by them and executed pursuant to any law of the state of Ohio, except as and to the extent of so much of said canal as shall be by said city taken and occupied under the grant herein authorized. Any person, persons or corporation, including the lessees of said canal, who may claim damages by reason of the vacation or abandonment of any part of said canal, shall file their claim therefor in writing with the clerk of said city of Cleveland, within one year after the expiration of the time required for the publication of the notice hereinafter required. And for the purpose of ascertaining whether any of the claims so filed are valid against the state, and if so, for the purpose of ascertaining the amount thereof, the lessees of said canal, or any other person or party filing such claim, are hereby authorized and empowered to bring an action in the court of common pleas of Cuyahoga, Portage or Franklin county, Ohio, against said city of Cleveland, and said action shall be conducted in all respects to final judgment, as other civil actions in cases between private individuals, and either party shall have the right to second trial, and appeal from the judgment and order of the said court of common pleas, and prosecute writs of error as provided for in suits between individuals, under the act to establish a code of civil procedure, passed March 11, 1853, or any act supplementary thereto.

SEC. 3. Whenever the city council of said city, by a vote of not less than two-thirds of the whole number of members thereof, shall decide to take and use so much of said canal as is herein authorized, the said council shall publish notice thereof, as required by section five hundred and sixty-three of the act to provide for the organization and government of municipal corporations, passed May 7th, 1869, and shall also make known their said decision to the governor of the state, and shall deposit with the governor a written release executed by the lessees of the public works, relinquishing any rights they may have in that part of said canal, proposed to be taken and occupied by said city, or a bond duly executed and to the satisfaction of the governor, indemnifying the state from all liabilities and damages which may result from said vacation, and shall in like manner deposit a

Liability for damages.

Lessees not relieved of responsibility, &c.

Claims for damages.

Notice preliminary to occupation, &c.

Connection
with Cuya-
hoga river.

Rate of
charges to
tug boats,
&c.

Channel of
river to be
kept open,
&c.

bond securing the performance of an agreement on the part of said city, to be also filed with the governor; that before said city shall take possession of said part of said canal, or disturb the use thereof, for canal purposes, the said city shall, at its expense and under the direction of the board of public works, connect said canal with the Cuyahoga river, at or near the southerly terminus of that portion to be occupied by said city, procure the right of way, unless the same shall be owned by the state at the desired locality, make the necessary excavations, embankments, walls, gates and locks, needed to connect said canal with said river at the point aforesaid, and remove the present weigh lock to such place as shall be determined by the board of public works; said city shall have the power, and shall provide by ordinance to regulate and prescribe the rate to be charged by tug boats, for towing boats and floats navigating the Ohio canal, to and from the locks at the intersection with the Cuyahoga river, to the wharves, docks, or any point on said river, where said boats or floats may desire to discharge or receive freight, which rate shall be graduated according to distance, and shall in no case exceed two dollars and fifty cents for each trip; said city having the right to appropriate to its own use, the gates, locks, and material taken from that portion of the canal taken by said city: Provided, the said city of Cleveland shall forever, or so long as the Ohio canal shall be used for the purposes of navigation, keep the channel of the Cuyahoga river, by dredging or otherwise, in good navigable order, for any boats that may now or hereafter be employed in navigating said canal, from the point of intersection to Lake Erie, and, thereupon, the Governor on behalf of the state, being satisfied that said connection has so been made and approved, and accepted by the board of public works, shall execute and deliver to the city of Cleveland, a grant of all the interest of the state in that part of said Ohio canal, herein described, to be forever used and occupied by said city, as its council shall determine, for any or all of the purposes before mentioned. The attorney general shall prepare the form of said grant, also the form of the release, bonds and agreement herein named.

SEC. 4. This act shall take effect on its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

To limit the time for the presentation and allowance of Military Claims.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio, That the board of commissioners, consisting*

of the secretary of state, auditor of state and comptroller of the treasury, to examine, adjust and allow claims growing out of military transactions, shall not, after the first day of September next, receive any claim whatever not before presented for examination, and that all claims now pending before said board, or which shall be presented within the time above limited, shall be finally decided by the first day of November next, and said board shall make a final report of its proceedings on or before the fifteenth day of December next.

Limit of
receptions
of claims by
board.

SEC. 2. This act shall take effect from its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend section fifty-five of an act entitled "An act to provide for the creation and regulation of Incorporated Companies in the state of Ohio," passed May 1, 1852. (S. & C., page 300.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section fifty-five of the above recited act be so amended as to read as follows :

Section 55. That whenever any number of persons as named in the first section of this act, associate themselves together for the purpose of constructing a bridge over any of the streams of water in this state, they shall, under their hands and seals make a certificate specifying the amount of capital stock necessary, the amount of each share, the place where said bridge is to be built and on what stream. Said certificate shall be acknowledged, certified and forwarded to the secretary of state, recorded and copied as provided in the second section of this act; and when so incorporated they are hereby authorized to carry on the operations named in said certificate of incorporation, and by the name and style provided in such certificate, shall be deemed a body corporate with succession, and they and their associates, successors, and assigns shall have the same general corporate powers as are provided in the third section of this act, and subject to all the restrictions hereafter provided; but in all cases the banks on both sides of the stream where the said bridge is to be built shall be owned by said company, or they shall obtain in writing the consent of the owner or owners of the banks where the said bridge is to be erected to erect the said bridge as aforesaid; and said company shall have the power to purchase or to appropriate in the manner provided by law, and hold such real estate, as will be required for the site of such bridge, and of suitable avenues or approaches leading thereto, or may locate the same on any

How bridge
companies
shall be
created, &c.

Rights and
duties of
such compan-
ies.

public street, road or avenue; and whenever in the construction of a bridge as herein provided, it shall be necessary to appropriate land for the foundation of the abutments or piers, or for the site of such bridge, or to appropriate any rights or franchises, proceedings shall be commenced and conducted in accordance with the act entitled "An act to provide for compensation to the owners of private property appropriated to the use of corporations," passed April 30, 1852, and the acts supplementary thereto, except that the oath and verdict of the jury and the judgment of the court shall be so varied as to suit the case: Provided, that only so much of the public street, road or avenue, shall be so used or occupied as may be necessary for a landing to and abutments for said bridge.

SEC. 2. That section fifty-five of the act to which this is amendatory, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend sections five and six of an act entitled "An act for opening and regulating roads and highways," passed January 27, 1853. (S. & C., p. 1291.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That original sections five and six of the act entitled "An act for opening and regulating roads and highways," passed January 27, 1853, be amended so as to read as follows:

Section 5. That it shall be the duty of the principal petitioner to give at least six days' notice, in writing, to the owner or owners, or their agents, if residing within the county, or if such owner be a minor, idiot or insane person, then to the guardian of such person, if a resident of said county, through whose land said road is proposed to be laid out and established, or through whose land said road, which it is proposed to alter or vacate, may have been previously established, and also six days' notice to the viewers and surveyor named in the order of the commissioners of the time and place of meeting, as specified in the said order; and it is made the further duty of the principal petitioner, if said road is proposed to be laid out, altered or vacated, on any lands owned by non-residents of the county, to cause a notice to such non-residents (if any there be) to be published for four consecutive weeks in some newspaper published in such

Duties of
 principal pe-
 titioner for
 road, etc.

county; but if there be no newspaper published in such county, then said notice shall be published in some newspaper in an adjoining county in which the lands are situated sought to be affected by said road, which notice shall state the time and place of the meeting of the viewers and surveyor, as specified in the order of the commissioners; and also the substance of the petition for said road, or the alteration or vacation thereof.

Section 6. That it shall be the duty of the viewers and surveyor appointed as aforesaid, after receiving the notice required in the foregoing section, to meet at the time and place specified in the order of the commissioners aforesaid, and, after taking an oath or affirmation, faithfully and impartially to discharge the duties of their appointments, respectively, shall take to their assistance two suitable persons as chain-carriers and one marker, and proceed to view, survey and lay out or alter said road as prayed for in the petition, or as near the same as in their opinion a good road can be made at reasonable expense, taking into consideration the utility, convenience and inconvenience and expense which will result to individuals, as well as to the public, if such road or any part thereof shall be established and opened or altered; and also, as a jury, discharge the duties required of them by the fourth section of this act; and the said viewers shall, in addition to their duties as viewers, also at the same time assess and determine the damages sustained by any person or persons through whose premises the said road is proposed to be established, altered or vacated: Provided, that such viewers shall not be required to assess or award damages or compensation to any person or persons, except minors, idiots or lunatics, in consequence of the opening of said road, unless the owner or owners, or their agents, having notice, as provided for in the foregoing section, of the application and proceedings by which his, her or their property is sought to be appropriated, or may be injured, shall have filed a written application with said viewers, giving a description of the premises on which, by them, damages or compensation are claimed; provided further, that all applications for damages shall be barred, unless they be presented as provided for by this act.

Duty of viewers and surveyor.

Assessment of damages.

SEC. 2. That said original sections five and six be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage, and apply to all proceedings to lay out and alter or vacate a county road, or to alter or vacate a state road, pending wherein the commissioners have not made a final order to establish, alter or vacate such road, or have not ordered the proceedings relating thereto to be recorded.

Application of this act.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend an act entitled "An act to provide for the appointment of a Messenger of the Supreme Court," passed January 28, 1869. (66 O. L., 6.)

Appointment
of messenger,
his salary,
and term of
office.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the judges of the supreme court be and they are hereby authorized to appoint a messenger for said court and prescribe his duties, who, in addition to the duties so prescribed, shall also be an assistant to the law librarian; and said messengers shall receive for his services one thousand dollars per annum, to be paid out of the contingent funds of said court on the certificate of one of the judges. Such appointment shall not continue longer than the second Tuesday of the next succeeding regular term, and the messenger so appointed may at any time be removed by the court.

SEC. 2. Said original act is hereby repealed; and this act shall take effect from its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend an act entitled "An act to regulate the standard per bushel of stone coal and the measure of cord wood," (S. & S., page 397,) and to renumber section three, and repeal sections one and two.

Standard
weight of
stone coal.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the standard weight of a bushel of stone coal shall be eighty pounds for bituminous, avoirdupois, and seventy pounds avoirdupois for cannel coal, and shall contain twenty-six hundred and eighty-eight cubic inches.

Dimensions
of measure
for coal.

SEC. 2. The lawful measure for selling the articles mentioned in the first section of this act, shall contain two bushels, and be of the following dimensions: twenty-four inches diameter at the top, twenty inches at the bottom, and fourteen and one-tenth inches deep; and in measuring coal in the vessel of the above dimensions, it shall be heaped up in a conical form as high as the article will admit, as provided for in section three of an act to provide a standard of weights and measures, found on page 924 Swan & Saylor.

Sales to be
made by
weight.

SEC. 3. All sales of stone coal shall be made by weight, unless otherwise specially agreed by the parties, in which case the sale shall be regulated by section two of this act; and any person or persons who shall sell and deliver, or cause to be sold and delivered, any stone coal, in violation of the provisions of this act, shall be deemed guilty of a misdemeanor, and

on conviction thereof, shall be fined in any sum not less than five nor more than fifty dollars, and costs, or be imprisoned in the county jail not less than five nor more than thirty days, and stand committed until costs are paid; and the owner or owners of, lessee, company or association being the owners of any coal mine or coal interest, or coal yard, at which coal is so sold in violation of this act, shall be liable in treble damages to the person or persons to whom such coal is sold and delivered as aforesaid, which shall be collected by suit before any court of competent jurisdiction; and in case the owner or owners of such coal mine or coal interest or coal yard, shall not reside in the county where such mine is located, summons may be served upon such party or parties by leaving a copy of the summons at the office or place of doing business of such company, and any judgment recovered as aforesaid, shall be a lien on all property belonging to the defendants from the day summons is served: Provided, that nothing in this act shall be construed as to prohibit the measurement of coal according to the metric system of measurement, as provided by an act of congress, passed July 28, 1866, to authorize the use of said system of weights and measures.

Penalties for
violation.

SEC. 4. Section three of the above recited act shall be re-numbered section four, and sections one and two are hereby repealed.

SEC. 5. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To change the name of the "State Reform and Industrial School for Girls," as provided for in the act of May 5, 1869. (O. L., vol. 66, page 110.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the "State Reform and Industrial School for Girls," be and is hereby changed to "Girls' Industrial Home."

Change of
name.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 20, 1872.

AN ACT

To amend section fifteen of "An act to provide for the keeping in repair of gravel or macadamized roads heretofore or hereafter constructed under the laws of the state of Ohio, and to authorize county commissioners to convert such of said roads as charge and receive tolls into free roads." (O. L. Vol. 66, page 184. sec. 15.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That original section number fifteen of the foregoing act be amended so as to read as follows:

Land owners
may petition
for purchase
of road.

Section 15. That after the filing of said proposition with the commissioners, it shall be lawful for the resident land owners along and adjacent to the line of such toll road or incorporated turnpike company, to petition the county commissioners to purchase said road at the price contained in the said proposition, that the bonds of the county be issued to said company, according to its proposition, and that a sum sufficient to pay the same with the interest, may be assessed upon the lots and lands which would be benefited by the conversion of said toll road into a free road lying within two miles thereof; and in ascertaining what lots and lands are benefited and to what extent each piece should be assessed for said purchase, and as to whether a majority of the owners thereof have petitioned therefor, the county commissioners, auditor and treasurer, shall have the same powers and authority, and be governed in the assessment and collection of taxes to pay for the road so purchased, and in all other respects in so far as the same may be applicable by the act entitled an act to authorize the county commissioners to construct roads on petition of a majority of the resident land owners along and adjacent to the line of said road, and to repeal an act therein named, passed March 29, 1867, and the acts supplementary and amendatory thereto. After the purchase of any such toll road by the commissioners as aforesaid, the same shall immediately thereupon become a free road, thereafter to be kept in repair under the provisions of this act the same as though it had never been a toll road.

Conditions
of purchase.

Purchased
road shall be
a free road.

SEC. 2. That original section fifteen be and the same is hereby repealed.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 59, 1872.

AN ACT

Supplementary to an act entitled "An act to provide for the keeping in repair of gravel or macadamized Roads, heretofore or hereafter constructed under the laws of the state of Ohio, and to authorize county commissioners to convert such roads as charge and receive toll into free roads," passed May 7, 1869. (Vol. 66, p. 131.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That where any improvement has been made, and a company organized under the provisions of the act to which this is supplementary, and where the extension of said improved road or the building of a branch from the main line of said improved road, not exceeding five miles in length, will form a connection with other similarly improved roads in any adjoining county or state, such company organized as aforesaid with the assent of a majority in amount of stock held by its stockholders, may, with the consent of the county commissioners, increase its capital stock to such an amount as may be deemed necessary to make such connections as above stated, not exceeding five miles in length. That for the purpose of increasing the capital stock of said company for the objects heretofore stated, under the direction of the county auditor, and at his office in the county in which said company is located, upon giving thirty days previous notice, books may be opened for subscription to the capital stock of said company, and all persons, whether original stockholders or otherwise, may become subscribers to the capital stock of said company: Provided, that the aggregate of such subscription shall not exceed the amount necessary to construct or build the road or branch as aforesaid. In case any joint stock company so organized, shall refuse their assent to the extension of their road, or to construct such branch road for the purposes of making connection as before stated, or refuse by a majority in amount of stock held by stockholders to increase their capital stock for the purposes before named, then a stock company may be organized under the provisions of the act to provide for the creation and regulation of incorporated companies in the state Ohio, passed May 1st, 1852, which may build such extension or branch and erect a toll gate or toll gates, as provided for in said act; and that so much of said original act, passed May 1st, 1852, as may conflict with the collection of toll upon roads less than five miles in length, when applied to the extension of such improved roads, or the building of a branch road to make connection, be and the same is hereby repealed.

Increase of capital stock of gravel or macadamized roads.

Opening of books for such increase.

Formation of new stock company.

SEC. 2. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend section one hundred and seventeen of an act to provide for the organization and government of Municipal Corporations, passed May 7, 1869. (O. L., vol. 66, p. 169.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section one hundred and seventeen of the above recited act be so amended as to read as follows:

Jurisdiction
of mayor in
prosecutions.

Section 117. The mayor shall have exclusive jurisdiction, except as hereinafter provided, of all prosecutions for violations of ordinances of the corporation, with full power to hear and determine the same, in all corporations where no police court has been or shall be established. His jurisdiction shall extend to cases where the defendant is entitled to a trial by jury, if a jury be not demanded; and he shall perform such other duties compatible with the nature of his office, as the council may, from time to time require: Provided, that in incorporated villages the council of such village may, upon the request and recommendation of the mayor thereof, by a vote of the majority of all the members elected of said council, appoint some justice of the peace, resident in said corporation, who shall, during the term of office of such mayor, have jurisdiction of all prosecutions for violations of ordinances of the corporation, with full power to hear and determine the same, and shall have the same powers, perform the same duties, and be subject to the same responsibilities in all of such cases, as are prescribed in this act to be performed by and are conferred on the mayor of such corporations. Such justice of the peace so appointed as aforeaid, shall be styled "Police Justice," in which style he shall sign all process and records during the time he shall serve. He shall have a seal, to be provided by the council, with the name of the state in the center, and the words "Police Justice of the Incorporated Village of _____" around the margin. All the provisions of chapter fourteen of this act, applicable to the mayor, shall apply to said police justice.

Appointment
of police
justice in cer-
tain cases,
his jurisdic-
tion, &c.

SEC. 2. Section one hundred and seventeen of the above recited act, be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To punish certain offenses for making false or fraudulent statements therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any person or persons shall make out and present for payment, or shall certify as correct, knowing the character thereof, to the auditor of state, other state officers, or boards of officers, or to the auditor or commissioners or other officer of any county, or to the auditor or other accounting officer of any municipal corporation, or to any township trustees or other township officers, any claim, bill, note, bond, account, pay-roll or other evidence of indebtedness, false or fraudulent in whole or in part, knowing the same to be false or fraudulent, for the purpose of procuring the allowance of the same, or an order for the payment thereof out of the treasury of said state, county, township or municipal corporation; or if any person or persons shall receive payment of any such claim, account, bill, note, bond, pay-roll, voucher, or other evidence of indebtedness, false or fraudulent in whole or in part, knowing the same to be so false or fraudulent, from the treasurer of the state, or of any county, township or municipal corporation, such person or persons shall, on conviction thereof, be punished therefor, if such bill, note, bond, account, pay-roll, or other evidence of indebtedness, so made out and presented, or certified, or of which payment is so received, is false or fraudulent, to the amount of thirty-five dollars or more, by imprisonment in the penitentiary not less than one year nor more than ten years; and if false or fraudulent to an amount less than thirty-five dollars, by fine, in any sum not exceeding two hundred dollars, or imprisonment in the county jail for any term not exceeding thirty days, or both, at the discretion of the court.

Penalty for fraud in making out bills of account, etc.,

—and collecting the same.

SEC. 2. That if any person or persons intrusted with the care, custody or control of any property of the state, or of any county, township or municipal corporation, shall sell or dispose of the same for his or their own use, for the purpose of defrauding the said state, county, township or municipal corporation, or procure, aid or assist any other person in so doing, every such person or persons, on conviction thereof, shall be punished as in the case of larceny of property for like amount.

Penalty for fraudulently selling property.

SEC. 3. All prosecutions under this act shall be by indictment before the court of common pleas of the county where the offense may be committed.

To be prosecuted by indictment.

SEC. 4. This act to take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To amend section three of an act to authorize the incorporation of Oil Transportation companies, passed April 25, 1868. (65 vol., Stat. 109; S. & S. 169.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section three of an act to authorize the incorporation of oil transportation companies, passed April 25, 1868 (S. & S., 169), be so amended as to read as follows:

Company authorized to enter upon lands for purpose of surveying, etc.

Section 3. Such company, when organized as aforesaid, is authorized to enter upon any land for the purpose of examining and surveying a line for its tubing and pipes for transportation of oil, and may appropriate so much thereof as may be deemed necessary for the laying down of such tubing and piping, and for the erection of tanks and the location of stations along such line, and the erection of such buildings as may be necessary for the purpose aforesaid; and such appropriations shall be made and conducted in accordance with the provisions of the act or acts which may then be in force providing for compensation to the owners of private property appropriated to the use of corporations; but no appropriation of private property shall be had as provided for in this act, until full compensation shall be made in money, or first secured by deposit to the owner or owners, irrespective of any benefit from any improvements proposed by such corporation; as is now prescribed by law: Provided, that such companies, when so organized, shall, for the purpose of transporting oils, be considered and held to be common carriers, and subject to all the duties and liabilities of such carriers, under the laws of this state.

Compensation for property taken.

SEC. 2. That said original section three is hereby repealed.

SEC. 3. This act shall take effect on its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

To authorize and require the Board of Public Works to ascertain and locate all lands belonging to the State, which lie at or near the Public Works of the State, with a proper description of the same, and also providing for the appraisalment and sale of said lands.

WHEREAS, It is ascertained by good authority that considerable quantities of valuable canal lands, belonging to the state of Ohio, remain unsold and are bringing no revenue whatever to the state; and,

WHEREAS, The exact locality and description of much of these lands is unknown to the proper authorities of the state, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of public works are hereby authorized and required to ascertain and locate all the lands belonging to the state of Ohio, which lie at or near the public works of the state, and also all lands lying contiguous to the Mercer county and Lewistown reservoirs, and the lands not necessary to carry out the contract leasing the public works, and report the same to the auditor of state, together with a proper description of each tract thereof, and for that purpose said board are authorized to employ a surveyor or surveyors; and said board are authorized and required to cause all such lands to be appraised by three competent disinterested freeholders in each of said counties wherein any of such land is located.

Board of public works to ascertain and locate certain lands.

Appraisal thereof.

SEC. 2. That as soon as the location and appraisement of said land shall be reported to the auditor of state, he shall enter the same of record in a suitable book prepared for the purpose, and may then sell the same for cash, at a sum not less than the appraised value thereof, and all sums arising from the sale of said lands, shall be paid into the treasury of the state to the credit of the sinking fund: Provided, that the lot of land described as the stone-quarry in survey number 2668, and such lands along the canals as were obtained for gravel banks for the purpose of repairing the canals, or for sites for water power at locks, where such power has not yet been brought into use, shall not be sold until directed by the general assembly; and provided, further, that the auditor of state cause said lands to be offered at public sale, at the door of the court house, in each of said counties wherein the lands lie, and shall cause public notice of such sale or sales to be published in a newspaper printed in each of said counties, or of general circulation therein, for five consecutive weeks immediately preceding such sale; and if said lands shall not sell at public sale, then the auditor of state may sell at private sale, but in no case shall the lands be sold for less than the appraised value thereof: Provided, that nothing herein shall apply to any lands within the limits of the city of Cleveland, now used for the bed of the Ohio canal, its tow path or basin, or needed to connect said canal with the Cuyahoga river, at or near a point sixteen hundred feet north of the south line of said city, where it crosses said Ohio canal.

Record of such lands.

Lands to be sold at public or private sale.

SEC. 3. That if the said board of public works shall be of opinion that any of the parcels of said lands so ascertained and located, are now or may hereafter become valuable to the state in connection with the public works, that fact shall be noted in their report to the auditor, and such parcels of land shall be reserved from sale; but the board of public works may lease such reserved parcels for such terms as in their judgment they may deem proper.

Reservation of certain lands.

Repeal.

SEC. 4. That an act passed March 31st, 1834, entitled "An act to authorize the appraisal and sale of lands belonging to the state of Ohio," be and the same is hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

Supplementary to an act entitled "An act to protect the elections of voluntary political associations, and to punish frauds therein," passed February 24, 1871.

Administra-
tion of oaths
by clerks,
trustees, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That township and city clerks, township trustees, aldermen and members of the council or ward trustees, be authorized to administer to the supervisors, judges of election and clerks, the oath prescribed under the provisions of section three of the act entitled an act to protect the election of voluntary political associations, and to punish frauds therein, passed February 24, 1871, and that after said oath has been certified as duly administered to any supervisor acting under the provisions of the section aforesaid, the said supervisor shall be authorized to administer in a like manner the oath to the judges and clerks of election as prescribed in said act.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

Supplementary to the act entitled "An act to provide for the creation and regulation of incorporated companies in the state of Ohio," passed May 1, 1852.

Toll gates
on turnpike
or plank
roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That any turnpike or plankroad company, now or hereafter incorporated, under the act to which this is supplementary, for the purpose of constructing a turnpike or plankroad from any city or incorporated village, to a macadamized road, or railroad, shall be authorized whenever a continuous

portion of its said road, not less than three miles in length from either terminus thereof, is completed, to the approval and acceptance of the county commissioners of the county in which such road is constructed, to erect a toll gate and charge and collect tolls on said portion of said road so completed: Provided, that said portion of said road so completed shall connect with another macadamized road, railroad, plankroad or other public highway; and also provided, that no greater amount of tolls shall be charged and collected thereon, than the ordinary rate of toll per mile as provided and allowed by the general law; and that in all other respects the said company shall be governed by the laws now in force, or which may hereafter be enacted.

Amount of
tolls.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

Regulating Coal Mines, and the working thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That twelve months from and after the passage of this act, it shall not be lawful for the owner or agents of any coal mine worked by shaft, wherein over thirty thousand square yards have been excavated, to employ any person to work therein, or to permit any person to work in such mine, unless there are to every seam of coal worked in such mine at least two separate outlets, separated by natural strata of not less than one hundred feet in breadth, by which shafts or outlets distinct means of ingress or egress are always available to the persons employed in the mine; but it shall not be necessary for the two outlets to belong to the same mine; and every shaft opened after the passage of this act shall have two such separate outlets, after thirty thousand square yards have been excavated; and to all other coal mines, whether slopes or drifts, two such openings or outlets shall be provided within twelve months after the passage of this act: Provided, thirty thousand square yards have been excavated at or before the passage of the act, or if not, then within twelve months after that extent has been excavated. In case such outlets are not provided as herein stipulated, it shall not be lawful for the agent or owner of any such mine to permit more than twenty persons to work therein at any one time. In case any coal mine has but one shaft, slope or drift, for the ingress or egress of the men working therein, and the owner thereof does not own suitable surface ground for another opening, the owner may select and ap-

Two separate
outlets for
mines re-
quired.

Number of
persons al-
lowed to
work in
mines with-
out such out-
lets.

appropriate any adjoining land for that purpose, and for approach thereto, and said owner shall be governed in his proceedings in appropriating such lands by the provisions of law in force, providing for the appropriation of private property by corporations, and such appropriation may be made whether the owner of such mine is a corporation or not: Provided, that no land shall be appropriated under the provisions of this act until the court is satisfied that suitable premises cannot be obtained by contract upon reasonable terms.

Amount of ventilation required.

SEC. 2. The owner or agent of every coal mine, whether shaft, slope or drift, shall provide and maintain within six months after the passage of this act, for every such mine, an amount of ventilation of not less than one hundred cubic feet per minute per person employed in such mine, which shall be circulated to the face of each and every working place throughout the mine; and all mines generating fire-damp shall be kept free of standing gas, and in all mines where fire-damp is generated, every working place shall be carefully examined every morning, with a safety-lamp, by a competent person, before any of the workmen are allowed to enter.

Tubes for passage of sound required.

SEC. 3. The owner or agent of every coal mine, operated by shaft or slope, in all cases where the human voice cannot be distinctly heard, shall provide and maintain a metal tube from the top to the bottom of such shaft or slope, suitably calculated for the free passage of sound therein, so that conversations may be held between persons at the bottom and top of the shaft or slope; and there shall also be provided an approved safety-catch, and a sufficient cover over head, on all cages used for lowering and hoisting persons, and in the top of every shaft an approved safety-gate, and also an approved safety-spring on the top of every slope, and an adequate break shall be attached to every drum or machine used for lowering or raising persons in all shafts or slopes. The provisions of this section shall take effect within six months from and after the passage of this act.

Experienced competent persons must be placed in charge, &c.

SEC. 4. No owner or agent of any coal mine, operated by a shaft or slope, shall place in charge of any engine used for lowering into or hoisting out of such mine, persons employed therein, any but experienced, competent and sober engineers; and no engineer in charge of such engine shall allow any persons, except such as may be deputed for that purpose, by the owner or agent, to interfere with it or any part of the machinery, and no person shall interfere or in any way intimidate the engineer in the discharge of his duties; and in no case shall more than ten men ride on any cage or car at one time, and no persons shall ride upon a loaded cage or car in any shaft or slope.

Safety-lamps for examining mines.

SEC. 5. All the safety-lamps used for examining coal mines, or which may be used in working any mine, shall be the property of the owner of the mine, and shall be under the charge of the agent of such mine; and in all mines generating explosive gas, the doors used in assisting or directing

the ventilation of the mine, shall be so hung and so adjusted, that they will shut of their own accord and cannot stand open; and in all such mines, the mining boss shall keep a careful watch over the ventilating apparatus, and the airways, and he shall measure the ventilation at least once a week at the inlet and outlet, and also at or near the face of all the entries, and all such measurements shall be reported once a week to the owner or agent of the mine, each of which reports, with the date thereof, shall be kept posted up in the office of the company or person working the mine, for the information of the miners and operatives, until the succeeding weekly report is made and posted up in the same manner.

SEC. 6. No child under twelve years of age shall be allowed to work in any mine, and in all cases of miners applying for work, it shall be the duty of the agent of such mine to see that the provisions of this section are not violated.

Children under twelve must not be employed in mines.

SEC. 7. In case any coal mine does not, in its appliances for the safety of the persons working therein, conform to the provisions of this act, or the owner or agent disregards any of the requirements of this act, for the safety of miners or operatives, such owner or agent shall be deemed guilty of a misdemeanor; and the prosecuting attorney of the county in which mine may be situated, on being notified, shall prosecute the same before the proper court of competent jurisdiction; and upon conviction thereof such owner or agent shall be fined in any sum not less than fifty nor more than five hundred dollars, and shall be enjoined or restrained from working or operating such mine with more than twenty miners at one time, until the provisions of this act shall be complied with.

Penalty for neglect to comply with foregoing provisions.

SEC. 8. Any miner, workman, or other person who shall knowingly injure or interfere with any safety-lamp, air-course or brattice, or obstruct or throw open doors, or disturb any part of the machinery, or disobey any order given in carrying out the provisions of this act, or ride upon a loaded car or wagon in a shaft or slope, or do any act whereby the lives or health of the persons, or the security of the mines and machinery is endangered, or if any miner or person employed in any mine governed by the provisions of this act, shall neglect or refuse to securely prop or support the roof and entries under his control, or neglect or refuse to obey any order given by the superintendent in relation to the security of the mine in the part of the mine under his charge or control, every such person shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding fifty dollars, or imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court.

Penalty for interference, &c., with safety-lamps, &c.

SEC. 9. In all coal mines in this state, the miners employed and working therein, the owners of the land or other persons interested in the rental or royalty of any such mine, shall, at all proper times, have full right of access, and examination of all scales, machinery or apparatus used in or about said mine, to determine the quantity of coal mined, for the purpose of testing the accuracy and correctness of all such scales,

Miners, owners, &c., shall have access for examination, &c.

machinery or apparatus, and such owners, or other persons, may designate or appoint a competent person to act for them, who shall, at all proper times, have full right of access and examination of such scales, machinery or apparatus, and inspecting all weights and measures of coal mined, and the accounts kept of the same: Provided, not more than one person on behalf of the miners collectively, or one person on behalf of the land owners or other persons interested in the rental or royalty jointly, shall have such right of access, examination and inspection of scales, weights, measures and accounts at the same time, and that such persons shall make no unnecessary interference with the use of such scales, machinery or apparatus.

Maps or plans of the working of mines must be prepared, etc.

SEC. 10. The owner or agent of every coal mine being worked shall, within six months after the passage of this act, make, or cause to be made, an accurate map or plan of the working of such mine, on a scale of not less than one hundred feet to the inch, showing the area mined or excavated, and the location and connection with such excavation of the mine, of the lines of all adjoining lands, and the name or names of each owner or owners, so far as known, marked on each tract, which map or plan shall be safely kept at the office or place of business of such mine, which map or plan shall be so prepared that each succeeding statement and plan of the working of such mine can be entered and distinctly marked thereon; and at the expiration of each succeeding three months, said owner or agent shall enter upon such map a correct exhibit of the working of such mine, showing the area and location thereof mined out the preceding three months. Said map shall be open to the inspection and examination, on demand, of any person interested in the working of such mine, and owner or owners of adjoining land or lands; any such person or owner shall have permission to make, or cause to be made, for their use, a copy of such map or plan. In case any such owner or agent shall neglect or refuse to make and keep such map or plan, and keep marked and shown thereon the progress of the working of such mine as herein provided, or shall refuse to exhibit the same for inspection or copy to any person entitled thereto by the provisions of this section, any person interested in the working of such mine, or any owner of any adjoining land or lands, shall have permission and authority to enter such mine with a competent engineer and proper assistants, and cause the same to be surveyed, and a map or plan of the same to be made for his use, and the expense of such survey and map may be recovered in a civil action in any court of competent jurisdiction against such owner or agent by any person or persons entitled to such inspection, examination or copy.

—and be open to inspection and examination.

Survey, in case of refusal or neglect to comply, etc.

SEC. 11. The provisions of this act shall not apply or affect any coal mine in which not more than twenty men are employed at the same time.

SEC. 12. This act shall be in force and take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To complete the Geological Survey of the State of Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the governor, state school commissioner and the treasurer of state, are hereby constituted a geological board, whose duty it shall be to exercise supervision and control of the geological survey of the state.

Governor, school commissioner and treasurer a geological board.

SEC. 2. It shall be the duty of said geological board to ascertain the nature and extent of the work already performed under the present law providing for a geological survey of the state, which expires May 31, 1872, and to determine the best methods of securing a thorough and scientific completion of the survey.

Board shall ascertain what work has been done.

SEC. 3. The geological board shall have power to assign the unfinished work of the survey to a geological corps, consisting of a chief geologist and two assistant geologists, men of capacity and geological knowledge, to which number shall be added a chemist of approved skill, which persons shall be appointed by the governor, by and with the advice and consent of the senate, their appointments to take effect on the first day of June, 1872.

And assign work to be done to the members of the corps.

SEC. 4. The geological board shall have power to make such a division of the territory of the state between the several geologists as shall secure the most thorough and harmonious investigation of the geology of the whole state, including its minerals, soils and fossils.

Division of territory.

SEC. 5. It shall be the duty of the geological board to direct, in regard to all expenditures of money which may be appropriated by the Legislature for carrying on said survey, and to secure an equitable apportionment of such money to the several districts of the state; also to determine the number of assistants to be employed by the geologists and chemist, and the amount of their compensation.

Expenditures of money for geological purposes.

SEC. 6. The geological board, after an immediate investigation of the work of the present geological corps, already reported on and published by the state, shall direct in regard to the preparation of all other and future reports, and recommend to the Legislature for publication the reports thus prepared.

Preparation of future reports for publication.

Preservation
and distribu-
tion of min-
erals, fossils,
&c.

SEC. 7. The geological board shall see that the minerals, soils and fossils of the state, collected during the survey, be properly classified and labeled by the geologists or such paleontologists as may be employed, and given to the Agricultural and Mechanical College of Ohio, and duplicates, as far as practical, to each other college in the state authorized by its charter to confer degrees, and possessing a geological department and employing a professor of geology.

Maps, draw-
ings, &c., to
be delivered
to geological
board before
1st of June.

SEC. 8. The geological board shall require that all maps, drawings, sections, note books, reports or partial reports, records and data, and materials of whatever kind, not yet incorporated in reports already published, which have accumulated in the hands of the present geological corps and their local assistants, also all minerals and fossils of every kind, which have been gathered by the corps and assistants, be delivered to the said geological board by the members of said corps on or before the thirty-first day of May, 1872.

Appropria-
tions, how
drawn from
treasury.

SEC. 9. The annual appropriations which may be made by the legislature for carrying out the provisions of this act shall be drawn from the treasury upon the certificates of the several geologists and chemist, approved by the governor and the warrant of the auditor of state, as follows: For the salary of the chief geologist, \$2,500; of each assistant geologist, \$2,000; for the salary of the chemist, \$1,500; and for the contingent, including the traveling expenses of the geological corps and assistants, the pay of the assistants, and the cost of the needed chemicals and apparatus, \$5,000.

SEC. 10. This act shall take effect from and after its passage, and continue in force till the first day of June, 1873.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

Supplementary to an act for the incorporation of townships.

Township
officers to be
elected in the
same pre-
cincts and
by the same
judges as
state and
county
officers, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That elections of township officers shall be held in the same precincts and by the same judges of election as provided by law in case of the election of state and county officers; and returns of township elections shall be made by the judges thereof in the several election precincts to the proper township clerks within one day after any township election.

SEC. 2. This act shall take effect on its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

To amend section four of an act entitled "An act to provide for the creation and regulation of incorporated companies in the State of Ohio," passed March 8, 1865. (O. L. Vol. 61, [62], page 37.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That section four of the above mentioned act be amended so as to read as follows :

Section 4. Said corporations shall be authorized to construct and maintain a railroad, with a single or double track, with such side tracks, turnouts, offices and depots, as they may deem necessary, between the points named in the certificate, commencing at or within, and extending to or into any town, city, or village, named as the places of termini of such road ; and such corporation, or any company heretofore or hereafter incorporated, may construct branches from the main line to other towns or places within the limits of any county through which said road may pass, or to a connection with any railroad which is or may be built within this state: Provided, that at a meeting of the stockholders called for that purpose the holders of a majority of the capital stock of said company shall by person or proxy by a vote so determine, and upon such determination it shall be the duty of the president and directors to make out and acknowledge a supplementary certificate in manner and form as prescribed by law in case of original certificate setting forth the facts, and file the same with the secretary of state ; said company, corporations or companies aforesaid, or any independent company organized under the laws of this state, hereafter constructing said branch or branches, may demand and receive for the transportation of passengers on said branch or branches, a fare not exceeding six cents per mile, and for transportation of property such reasonable rate as may be from time to time fixed by the company, or prescribed by law ; and, provided further, that if the length of such branch exceeds ten miles, then the charge for passengers and freight upon excess shall be such as is or may be provided by law.

When rail-roads may be constructed.

Rate of fare.

SEC. 2. Section four of the above mentioned act is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MULLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

Supplemental to, and amendatory of, the act entitled
 "An act to sell lands ceded to the State of Ohio by the
 United States, by act of Congress approved February
 (19) 18, 1871, passed March 26, 1872.

Demand for
 compensation
 for timber
 taken,
 and proceed-
 ings for re-
 covery.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio*, That the trustees of the Ohio Agricultural and Mechanical College, are hereby authorized to demand from all persons who have destroyed or converted any timber growing upon the lands ceded to the state of Ohio, as stated in the act to which this is supplementary, since the date of said act of congress, ceding said lands to the state of Ohio, full compensation for the timber so destroyed or converted, and for all damages, and if payment shall be refused; to institute proper proceedings in the name of said Ohio Agricultural and Mechanical College, in any court of competent jurisdiction, to recover the same with damages and costs of suit: Provided, that the provisions of this section shall not apply to the timber taken from the forty acres [by] any person who shall obtain the title to the same under section two of this act.

SEC. 2. That section two of the above recited act is hereby amended so as to read as follows:

Title, and
 survey of
 lands taken,
 &c. .

Section 2. The title to said lands is hereby vested in the trustees of the Ohio Agricultural and Mechanical College, for the benefit of said college; and said trustees are hereby required to cause a complete survey of said lands to be immediately made, and a correct plat thereof to be returned to said trustees, and to ascertain and set off, in reasonable compact form, by accurate boundaries to each occupant who was in actual possession of, and living upon any of said lands, at the time of the passage of said act of congress, as provided therein, or their heirs and assigns, a tract not exceeding forty acres; and upon the payment, by the claimant, of the cost of surveying and making the deed, the said trustees shall cause a deed for said tract to be executed and delivered to the claimant as hereinafter provided; and if any such occupant shall have been in such actual possession of more than forty acres aforesaid, and desirous of holding the same, he shall be entitled to have in addition to said forty acres, any number of acres, not exceeding, with said forty acres, the number of one hundred and sixty acres, to be in reasonable compact form as aforesaid, by paying for the said excess over forty acres, the sum of one dollar per acre, in payment and secured by mortgage as provided in section four of the above recited act: Provided, that any person to be entitled to the provisions of this section as occupant as aforesaid, shall be required to make affidavit as provided in the thirteenth section of the act of congress, approved September 4, 1841, entitled an act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights.

Occupants
 may pur-
 chase ad-
 ditional
 lands, &c.

SEC. 3. That original section two of the above recited act is hereby repealed.

SEC. 4. This act shall take effect from its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.

JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

ERRATUM.—On page 27, eighth line from the bottom, instead of “transaction,” read transportation.

LOCAL AND SPECIAL ACTS.

AN ACT

To enable the trustees of Burton township to issue bonds to discharge a debt incurred in building a town hall.

WHEREAS, At the regular spring election last held on the third day of April, A. D. 1871, the electors of Burton township, Geauga county, Ohio, voted in favor of the erection of a town hall, and in pursuance thereof the trustees of said township erected and completed a suitable town hall, and thereby incurred a debt of four thousand (\$4,000) dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Burton township, Geauga county, Ohio, be and they are hereby authorized and empowered, for the purpose of discharging a debt incurred in the erection of a town hall in said township, to issue their bonds for the sum of four thousand dollars, for the term of not to exceed five years, and at a rate of interest not [to exceed] eight per cent. per annum, payable at such times within said five years as they may deem best.

SEC. 2. For the purpose of paying said bonds, with the interest as the same shall become due, the trustees of said township of Burton are hereby authorized and empowered to levy a tax upon all the taxable property of said township of Burton, both real and personal, at such times and in such amount as may be necessary, in the years 1872, 1873, 1874, 1875 and 1876, and the same to be certified by said trustees to the county auditor, by whom the same shall be entered upon the duplicate of said county and collected as other taxes; and the same and the money so raised shall be paid over to the treasurer of said township of Burton, to be paid out by him on the [order] of the township trustees, certified by the township clerk.

SEC. 3. The bonds authorized to be issued by this act shall be signed by the entire board of trustees, and attested by the township clerk, who shall also keep a record of the same.

SEC. 4. This act to take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed January 26, 1872.

AN ACT

To authorize the board of education of the incorporated village of Madison, Lake county, Ohio, to issue bonds to raise money to pay an existing debt incurred in the erection of a school building, and to levy a tax to pay said bonds and their interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Madison, Lake county, Ohio, be and they are hereby authorized to issue their bonds not exceeding six thousand dollars, to raise money to pay an existing debt incurred in building a school building in said village; said bonds to be signed by the president and secretary of said board of education, and to be in sums of not less than fifty dollars nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per centum per annum, payable annually, and payable at any time not exceeding five years from the time of issuing the same, at the discretion of said board; provided that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying the said bonds and the interest thereon, as the same shall become due, the said board of education are hereby authorized and empowered to levy a tax on the taxable property of the incorporated village of Madison, Lake county, Ohio, such amount annually as will be sufficient to pay the principal of such bonds as may fall due in each year, together with the interest on all the unpaid bonds so issued, and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed January 31, 1872.

AN ACT

To authorize the commissioners of Seneca county, Ohio, to transfer five hundred and ninety-six dollars and sixty-five cents (\$596.65) from the veteran bounty fund of said county to the county fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Seneca county be and they are hereby authorized to transfer permanently five hundred and ninety-six dollars and sixty-five cents from the veteran bounty fund of said county to the county fund of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 1, 1872.

AN ACT

To authorize the Board of Education of Chardon School District No. one, in the county of Geauga, to borrow money for purchasing a site and building a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Chardon, and the territory annexed for school purposes in the county of Geauga, be and are hereby authorized to borrow money, not exceeding the sum of twenty-five thousand dollars, at a rate of interest not exceeding eight per cent. per annum, to be expended in purchasing land for a school house site, and in the building of a school house for said district.

SEC. 2. Said board of education is hereby authorized to issue bonds for the amount of money so borrowed, principal and interest of said bonds to be made payable at such time not exceeding ten years, and in such proportion as the board of education may stipulate; said bonds to be signed by the president and secretary of said board of education.

SEC. 3. For the payment of the bonds which may be issued under the provisions of this act, with the interest on the same, as they shall become due, said board of education is hereby authorized to levy a tax, in addition to other levies for school purposes, on all taxable property, (both real and personal,) of said incorporated village and territory annexed for school purposes, sufficient to pay said bonded indebtedness; the same to be certified by said board of education to the county auditor, by whom the same shall be entered upon the duplicate of said county, and collected as other taxes; provided such levies shall not exceed one-fifth of such indebtedness in any one year.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed Feb. 1, 1872.

AN ACT

To authorize the Board of Education of Sommerford township, Madison county, to levy a tax to build a School House.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Sommerford township, Madison county, be and they are hereby authorized to levy a tax upon the taxable property of said township, for any sum not exceeding three thousand dollars, for the purpose of building a school house, and for no other purpose.

SEC. 2. The board of education of said township shall certify to the county auditor the amount of tax necessary, not exceeding the amount specified in the first section of this act, which shall be entered upon the duplicate and collected as other taxes are collected.

SEC. 3. The said board of education may, if they choose, for the purpose of constructing the same, issue the bonds of said township in anticipation

of the receipt of said levies, in such denominations and for such times, not exceeding three years, and at such rate of interest, not exceeding eight per cent., as in their judgment seems proper: Provided, said bonds shall not be sold at less than their par value.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed Feb. 12, 1872.

AN ACT

Authorizing the removal of the principal office of the Farmers' Insurance Company, from Jelloway, in Knox county, Ohio, to some other place in said county. .

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the directors of the Farmers' Insurance Company, now located at Jelloway, in Knox county, Ohio, be authorized to submit to the stockholders of said company, at a special meeting to be held for that purpose, at the principal office of said company, at any time subsequent to the passage of this act, each stockholder having notice in writing at least ten days prior thereto, the proposition to change the location of the principal office of said company, from Jelloway, to such other place within said Knox county, as said directors or a majority of them shall agree.

SEC. 2. At the time and place specified in the notice provided for in the first section of this act, the said stockholders shall proceed to vote by ballot upon said proposition for removal, each stockholder voting shall endorse upon his ballot his name, the amount of capital stock of said company owned by him, and the words "For the removal of the office, Yes," or "For the removal of the office, No," which said ballot shall be counted by the directors and secretary of said company, in the presence of the stockholders, and if it appear that a majority of all the stockholders owning a majority of all the capital stock of said company, have voted "yes," on said proposition, then the said directors shall have authority to remove said office from the village of Jelloway, to some other place within said Knox county, as a majority of them shall agree upon.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed Feb. 12, 1872.

AN ACT

Supplementary to an act entitled an act to authorize the trustees of Litchfield township, Medina county, to borrow money for building a town hall. (O. L., vol. 68, page 189.)

WHEREAS, The trustees of Litchfield township, Medina county, Ohio, have proceeded in accordance with the act to which this is supplementary (O. L., vol. 68, p. 182), to borrow money and erect a town hall, which town hall is not yet completed; and,

WHEREAS, It will be a saving and convenience to the people of said township to furnish and prepare the basement room of said hall for school purposes, which can be done at a cost of five hundred (\$500) dollars, in addition to that heretofore authorized to be levied; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That said trustees of the township of Litchfield, Medina county, be and they are hereby authorized to borrow the sum of five hundred (\$500) dollars, in addition to that heretofore authorized, and issue the bonds of the township therefor, in the manner and on the terms provided in said original act, and to prepare and use the basement room of said hall for school purposes: Provided, that the county treasurer of said county of Medina shall not hereafter pay over to the treasurer of said township the moneys borrowed under the provisions of this and the acts to which this is supplementary, but shall disburse or pay out the same on the order of said trustees of Litchfield township, attested by the township clerk, to the contractors erecting or other persons doing work upon said town hall.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 14, 1872.

AN ACT

To authorize the commissioners of Darke county, Ohio, to transfer fifteen thousand dollars from the bridge fund of said county to the county fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Darke county, Ohio, be and they are hereby authorized to transfer permanently fifteen thousand dollars from the bridge fund of said county to the county fund of said county.

SEC. 2. This act [shall] take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 14, 1872.

AN ACT

For the relief of Cutler Cheadle.

WHEREAS, Cutler Cheadle, a citizen of Morgan county, was, on or about the 23d day of April, A. D. 1868, while entering the cars in the city of Zanesville, Muskingum county, Ohio, robbed by one Blair of the sum of seven hundred and twenty-seven dollars; and

WHEREAS, said Blair was caught by said Cheadle at the time the robbery was committed and delivered over to the civil authorities, by whom he was released upon his own recognizance by depositing five hundred dollars in currency as bail, which currency it is believed is the identical currency stolen from said Cheadle; and

WHEREAS, said recognizance was declared forfeited and the money deposited as bail paid into the treasury of Muskingum county; therefore,

SECTION 1. *Be enacted by the General Assembly of the State of Ohio,* That the commissioners of Muskingum county be and they are hereby authorized to pay over to said Cutler Cheadle the said sum of five hundred dollars.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 14, 1872.

AN ACT

For the relief of the estate of Dr. William Mount.

WHEREAS, During the years 1856, 1857 and 1858, Doctor William Mount was treasurer of Mill Creek township, Hamilton county, and during that period he deposited all moneys in the banking house of Hatch & Langdon, who were then in good credit, and deposited said moneys for safe keeping, and not that the said Mount might draw interest; and

WHEREAS, On the 27th of March, 1858, the said Doctor William Mount, as such treasurer, had on deposit with said bankers the sum of six thousand and two hundred and seventeen dollars and seventeen cents, (\$6,217.17,) and shortly after the date last named the said bankers failed; and although the said Doctor William Mount in his lifetime, and his legal representatives since his decease, have used the utmost diligence to recover said sum, the same is yet unpaid and the said Hatch & Langdon are wholly insolvent; and

WHEREAS, in January, 1868, the said township recovered judgment in the Hamilton county common pleas court against the estate of the said Dr. William Mount for the whole amount due to him from Hatch & Langdon at the date aforesaid; and

WHEREAS, the said Doctor William Mount was suddenly killed by an accident in the year 1866, and left no other property of any kind

besides his homestead, situated in the village of Cumminsville, Hamilton county, and which is not worth over ten thousand dollars; and

WHEREAS, if the said judgment against his estate as aforesaid, with intent, should be enforced, it would take all of said property to satisfy the same; and

WHEREAS, the loss sustained by said township was not caused by the wrongfulness or willful delinquency of said Mount, but that the same followed the exercise of his best judgment; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Mill Creek township be and they are hereby authorized to release and wholly discharge the said judgment obtained in the month of January, 1868, in favor of said township against the said William Mount, in the court of common pleas of Hamilton county.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed February 20, 1872.

AN ACT

To amend sections four and five of an act entitled an act to amend an act supplementary to an act to provide for locating, establishing and constructing ditches and drains in Hog Creek Marsh, in Hardin county, Ohio, passed April 20, 1871.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections four and five of the above recited act be amended so as to read as follows:

Section 4. That the county commissioners shall make an equitable apportionment of the cost of construction and incidental expenses of said ditch, drain or outlet, fees and compensation for property appropriated, which shall accrue and be assessed and determined under this act, amount to owners of the lands to be benefited by the location and construction of said ditch, drain or outlet, in proportion to the benefit of each of them, and the same shall be levied by the county auditor upon the lands of the owners so benefited in said proportion by entering on the tax duplicate of said county the proportions fixed and determined by the county commissioners in installments during one, two, three and four years, as follows: The first installment in the year 1872, the second in the year 1873, the third in the year 1874, and the fourth in the year 1875, and said taxes shall be collected in such manner as other taxes are for county purposes.

Section 5. For the purpose of anticipating the money provided for in the fourth section of the act, the said commissioners are hereby authorized, if they shall deem it expedient, to issue bonds in amount not exceeding twenty thousand dollars in the aggregate, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, the prin-

cipal of said bonds to be made payable at such times as the commissioners may determine, not later than the first day of August, 1876: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That sections four and five of the above recited act be and the same are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 1st, 1872.

AN ACT

To enable the town council of the incorporated village of Nevada, Wyandot county, to receive gifts in lands, moneys or otherwise, for the purpose of purchasing and fitting up public grounds to be used jointly for the benefit of said incorporated village and agricultural association of the vicinity and adjoining townships.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Nevada, Wyandot county, is hereby authorized to open books to solicit and receive gifts in lands, moneys or otherwise, which shall be used for the purpose of purchasing public grounds to be held jointly for the benefit of the incorporated village of Nevada and the agricultural association of the vicinity and adjoining townships. All gifts in lands, moneys or otherwise, shall be received in the following order: It is hereby made the duty of the treasurer of the town council to receive all gifts in moneys or otherwise, and receipt for the same, and keep a correct account of all moneys so received by him in a book to be kept for that purpose.

SEC. 2. That it shall be the duty of the treasurer to deposit monthly, in some national bank within the county or adjoining county, all moneys received by him for the association, at such rates of interest as may be agreed upon, and cause such receipt of deposit to be recorded by the clerk of the town council; and it is further made his duty, as soon as the board of managers are elected and organized, to pay over to said board all moneys, deposits or gifts that may have been by him received for the benefit of the association without charge for his service.

SEC. 3. All gifts of sums less than one dollar shall be free gifts. All gifts in sums of one dollar and upwards, shall entitle the person to a membership, which shall admit any such member free to all exhibitions of the association for as many years as such member may have paid number of dollars into the treasury of the association. All receipts for membership shall be recorded by the clerk of the town council in a book to be kept for that purpose.

SEC. 4. That whenever in the opinion of the town council and members of the association a sufficient amount of money may have been paid into the treasury to purchase public grounds, it shall be the duty of the

clerk of the town council to give twenty days' notice in one of the leading papers of the village or county, notifying the members of the association to meet on a certain day and place named in said notice, and annually thereafter they shall proceed to elect seven directors, three of whom shall reside within the limits of the corporation, and four shall be residents outside of the corporation, who shall, when elected, constitute a board of managers, and shall serve for a term of one year or until their successors are elected.

SEC. 5. That the board of managers shall elect out of their number a president, treasurer and secretary, who shall transact all business for the association, receive all moneys and certificates on deposit or gifts, to purchase lands for the use of public grounds, and receive all deeds in the name of the incorporated village of Nevada and agricultural association, form their own by-laws, and manage all business of the association free of charge.

SEC. 6. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 4, 1872.

AN ACT

To authorize the board of education of Brecksville township, Cuyahoga county, Ohio, to borrow money and issue bonds to build a school-house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Brecksville township, Cuyahoga county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of three thousand dollars, for the purpose of erecting a school-house in said township.

SEC. 2. That for the purpose aforesaid the said board are hereby authorized and empowered to issue bonds, to be signed by the president and attested by the clerk of said board, in sums not less than fifty nor more than five hundred dollars, bearing interest at a rate not exceeding eight per cent. per annum; said bonds to be payable any time within five years; provided, that said bonds shall not be sold for less than their par value.

SEC. 3. The said board of education are hereby empowered to levy a tax, annually, on all the taxable property of said township, sufficient to pay said bonds, together with the interest thereon as they fall due, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 4, 1872.

AN ACT

To authorize the board of education of Switzerland township, Monroe county, to levy a tax to pay debts contracted for school-house purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Switzerland township, Monroe county, be and are hereby authorized to levy a tax of not more than five mills on the dollar, on all the taxable property of said township and under the control of said board of education, for the year 1872, to pay debts contracted in said township for the erection of school houses, the tax to be assessed and collected in the same manner in which school tax is now assessed and collected in joint sub-districts composed of parts of two or more adjoining townships.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7, 1872.

AN ACT

To authorize the trustees of Franklin township, Monroe county, Ohio, to appropriate certain township bounty fund to the building of a hall in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Franklin township, Monroe county, Ohio, be and they are hereby authorized to apply the sum of five hundred and seventeen dollars and twenty-four cents of a fund, known as the Franklin township bounty fund, to building a town hall for said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7, 1872.

AN ACT

For the relief of William Wise.

WHEREAS, On the second Monday of December, (14th) A. D. 1863, at a sale of lands and town lots, forfeited to the state of Ohio for the non-payment of taxes, held at Troy, Miami county, Ohio, there was sold by the auditor of said county, part of lots Nos. 14 and 15, according to

Bevans' map of Piqua, the same being Nos. 106 and 107, according to the numbering of 1859 of said city of Piqua in said county, being the property of William Wise, at and for the sum of \$499.18, that being the amount of taxes and penalty assessed thereon, which sum was received by the auditor of said county, and by him, through the treasurer, was duly paid over in its respective proportions to the state and county treasuries; and,

WHEREAS, It is alleged that a very large portion of said sum of \$499.18, as taxes and penalty assessed upon said property aforesaid, was illegal, by reason of excessive penalties assessed thereon, and ought of right and justice to be paid to said William Wise, but which is refused to be done for alleged want of legal authority; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be directed and required to examine into said alleged claim of said William Wise, and if he shall find that said William Wise has paid illegal taxes as penalty or otherwise, to draw his warrant on the state treasury for the amount of such illegal taxes or penalty as may have been paid into the state treasury or gone to the credit of the state.

SEC. 2. That the auditor of Miami county be directed and required to ascertain what portion of said illegal taxes and penalties was paid into or went to the credit of the county treasury, for any and all purposes whatsoever, and to draw his warrant therefor, with interest from the time of such payment, or credit upon the county treasurer of said county, who is required to pay the same out of any surplus or unexpended funds in the county treasury.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 7th, 1872.

AN ACT

To authorize the trustees of Mayfield township, Cuyahoga county, Ohio, to levy and assess a tax for the purpose of purchasing a hearse and building a hearse house.

WHEREAS, The qualified electors of Mayfield township, Cuyahoga county Ohio, did, at a regular election held in said township, which great unanimity vote in favor of the trustees of said township purchasing a hearse and building a hearse house for the use of the citizens of said township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Mayfield township, Cuyahoga county, Ohio, be, and they are hereby authorized to levy and assess a tax not exceeding one mill on the dollar of the taxable property of said township in any one year, for the purpose of purchasing a hearse and building a hearse house and

vault for the reception of the dead for the use of the citizens of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To authorize the trustees of Solon township, Cuyahoga county, Ohio, to levy and assess a tax for the purpose of erecting a hearse house and building a vault or receptacle for the dead.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Solon township, Cuyahoga county, be, and they are hereby authorized to levy and assess a tax upon the taxable property of said township, not exceeding one mill upon the dollar in any one year, for the purpose of erecting a hearse house and building a vault or receptacle for the dead: Provided, that a majority of the qualified electors of said township shall at any general election vote therefor.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To provide for the relief of James McGookey.

WHEREAS, On the night of the first of December, 1871, the house of V. Palmer, township clerk of Margaretta township, Erie county, was consumed by fire, and with other property destroyed, there was consumed the sum of \$710.50 belonging to the school fund of said township, which the treasurer of said township, James McGookey, had, for safety and convenience, deposited with said clerk; and

WHEREAS, said McGookey has replaced and paid to said township said sum so destroyed out of his own means; and

WHEREAS, a large majority of the tax-payers of said township have petitioned the general assembly to authorize said township to reimburse said McGookey for said loss; now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of said township be and they are hereby authorized to levy a tax on all the taxable property thereof for the year 1872 or 1873, that will raise a sum in the aggregate equal to but not exceeding said

sum of seven hundred and ten dollars and fifty cents, and interest thereon from the first day of January, 1872, to reimburse said McGookey. Said levy shall be collected as other taxes, and when collected shall, on the order of the county auditor, issued on the order of the trustees of said township, attested by the clerk thereof, be paid over by the treasurer of said county to said McGookey: Provided, that at any regular election the qualified voters of said township shall approve of said levy by casting a majority of votes in favor of the same.

SEC. 2. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To authorize the board of education of York township in the county of Darke, to levy a tax to pay a balance due from them for building school houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of York, in the county of Darke, is hereby authorized to levy and assess, in the years 1872 and 1873, upon said township, a tax not exceeding thirty-one hundred dollars, for the purpose of paying the balance of indebtedness against them for building school houses in said township.

SEC. 2. This act shall be in force and take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives,
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To change the name of the Eclipse Machine Company, of Hamilton, Ohio, to Owens, Lane & Dyer Machine Company.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the Eclipse Machine Company, of Hamilton, Ohio, be and the same is hereby changed to Owens, Lane & Dyer Machine Company.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives,
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To authorize the board of education of the city of Lancaster, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Lancaster, be and they are hereby authorized to borrow the sum of forty thousand dollars, to be applied in paying for school house sites and building and remodeling school houses.

SEC. 2. That for the purpose aforesaid, the said board are authorized to issue bonds, to be signed by the president and attested by the secretary of said board, in sums not less than fifty dollars, nor more than five hundred dollars, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually; said bonds to be payable at such time or times, not exceeding ten years from the respective dates thereof, as said board may determine: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That said board of said city is empowered to levy a tax annually, on all the taxable property within the limits thereof, sufficient to pay said bonds and interest as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county, and shall be collected as are other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives,
JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To authorize the board of education of Doylestown school district, Wayne county, Ohio, to issue bonds to obtain money to pay the existing debt of said school district, incurred by the erection of a school building, and to levy a tax to pay said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Doylestown school district, Wayne county, Ohio, be and they are hereby authorized to issue bonds not exceeding in amount five thousand dollars, to raise money to pay an existing debt incurred in the erection and construction of a school building in said school district, said bonds to be signed by the president and secretary or clerk of said board of education, and to be in sums of not less than fifty dollars nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per centum per annum, the principal and interest of said bonds to be payable as said board of education may direct, not exceeding six years from the time of issuing the same: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying the said bonds and the interest thereon as the same shall become due, the said board of education is hereby authorized and empowered to levy a tax on the taxable property of said Doylestown school district, Wayne county, Ohio, to be certified to the county auditor, and collected like other taxes, in such amounts annually, commencing in the year 1873, as will be sufficient to pay the principal and interest of said bonds as they may become due in each year as said board of education shall determine; and the money so raised shall not be used for any other purpose than to pay said bonds or debt and interest thereon.

SEC. 3. This act shall take [effect] on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives,
 JACOB MUELLER,
President of the Senate.

Passed March 11, 1872.

AN ACT

To repeal an act passed February 8, 1847, dividing the township of Steubenville into two election districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled an act to divide the township of Steubenville, in Jefferson county, Ohio, into two election districts, passed February 8, 1847, be and the same same is hereby repealed.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 13, 1872.

AN ACT

To authorize the Board of Education of the incorporated village of Leesburg, in the county of Highland, Ohio, and territory annexed for school purposes, to levy a special tax to pay an existing debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Leesburg, in the county of Highland, Ohio, and territory thereto annexed for school purposes, be and it is hereby authorized to levy a special tax, (in addition to the taxes now authorized by law,) upon all the taxable property in said village and territory thereto annexed for school purposes, for the years A. D. 1872 and 1873, not exceeding four mills on the dollar, for the purpose of enabling said board to liquidate and pay its existing indebtedness.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 12, 1872.

AN ACT

To authorize the Board of Education of special School District No. one, in Lost Creek township, Miami county, including the incorporated village of Casstown, Miami county, Ohio, to issue bonds to raise money to pay an existing debt incurred in the erection of a School House for said district, and to levy a tax to pay said bonds and the interest on the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of special school district No. one, in Lost Creek township, Miami county, Ohio, be authorized to issue its bonds not exceeding five thousand dollars, to raise money to pay an existing debt, incurred in erecting a school house in said special school district, said bonds to be signed by the president and secretary of said board of education, and to be issued in sums of not less than one hundred, nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, and payable at any time not exceeding five years from the time of issuing the same, at the discretion of said board: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying the said bonds, and the interest thereon, as the same becomes due, the said board of education is hereby authorized and empowered to levy a tax on the taxable property of said special school district No. one, of Lost Creek township, Miami county, Ohio, of such amount annually as will be sufficient to pay such bonds as may fall due in each year, with the interest on all the unpaid bonds so issued, and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.

JACOB MUELLER,
President of the Senate.

Passed March 12, 1872.

AN ACT

To authorize the trustees of Harrisville township, Medina county, Ohio, to levy a tax for the purpose of purchasing a hearse and building a hearse house.

WHEREAS, The citizens of Harrisville township, Medina county, Ohio, have with great unanimity of purpose, petitioned the present general assembly, asking for authority to enable the trustees of said township to levy a tax for the purpose of purchasing a hearse and building a hearse house; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said township of Harrisville, Medina county, Ohio, be and they are hereby authorized to levy a tax of not exceeding one mill on the dollar of the taxable property of said township, in any one

year, for the purpose of purchasing a hearse, and the building of a hearse house for the use of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 13, 1872.

AN ACT

To authorize the trustees of Chester township, Geauga county, Ohio, to levy a tax for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Chester township, Geauga county, Ohio, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided, for the purpose of purchasing a hearse for the use of the township, and erecting a suitable building in which to keep the same. The said hearse and building to be under the control of said trustees or some person by them appointed; provided, that the trustees shall first submit the question of tax, or no tax, for either of the above named purposes to the qualified electors of the township at a general election, having given at least ten (10) days' notice of the same in at least three public places in the township, which notice shall state the amount to be raised and for what purpose.

SEC. 2. The electors voting at said election shall have written or printed upon their ballots the words, "Tax for hearse and building—Yes," or "Tax for hearse and building—No," and if a majority of all the electors voting at said election upon the question submitted shall vote "Tax—Yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 13, 1872.

AN ACT

To extend the time of payment for certain School Lands in Section 16, Township 6, Range 4 East, etc., in Montgomery county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of six years, from the day the respective installments fall due, be and the same is hereby given to David Dietrich and

Tobias Flory, purchasers of lots numbers seven and two (7) and (2), as divided, numbered and described by the appraisers appointed by the superior court of Montgomery county, Ohio, at their April term 1860; said lot No. seven containing one hundred and twenty and $\frac{1}{16}$ acres on the east side of the south west quarter, and lot No. two (2) containing eighty-two and $\frac{9}{16}$ acres on the west side of the north-east quarter of section 16, township 6, range 4, east, school lands in Clay township, Montgomery county, Ohio, for the payment of the purchase money thereof: Provided, that the interest and taxes shall be paid punctually, according to law; and provided further, that the auditor of said county may require additional security for the payment of the principal and interest, if in his opinion the public interest requires it.

SEC. 2. This act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 13, 1872.

AN ACT

To authorize the trustees of Clinton township, Vinton county, Ohio, to levy a Tax upon said township in the year 1872, to pay an existing indebtedness against said township, contracted for the support of its poor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Clinton, Vinton county, Ohio, be and they are hereby authorized to levy and assess upon the taxable property of said township, in the year 1872, a sum not exceeding three thousand dollars, for the purpose of paying off an existing indebtedness against said township, contracted for the support of the poor; and said trustees are hereby authorized and required to certify the same to the county auditor, which shall be collected as other taxes in the year aforesaid.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 13, 1872.

AN ACT

To provide for the representation of the Fourth Ward of the city of Hamilton, in the county of Butler, in the board of education of said city. (Single school district.)

WHEREAS, The city of Hamilton, Butler county, has been heretofore organized into and established as a single school district, under "An act

for the better regulation of the public schools in cities, towns, etc.," passed February 21, 1849, and acts amendatory thereto; and,

WHEREAS, Said act limits the number of directors composing the board of education of single school districts to six; and,

WHEREAS, Said city, at the time of such organization, contained but three wards, and by the terms and conditions of the annexation of Ross-ville to Hamilton each of said wards are entitled to two members of said board of education; and,

WHEREAS, Since such organization a new (fourth) ward has been organized and established in said city, which has, up to this time, been unrepresented in said board of education; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the number of directors composing the board of education of the city of Hamilton (single school district) is hereby increased to eight instead of six, as provided by the act under which said single school district was organized.

SEC. 2. That at the next annual election of directors in said single school district, and triennially thereafter, the electors thereof shall choose, in the manner provided by law, two directors from said fourth ward, in addition to the number already provided for, each of whom shall serve for three years and until their successors shall be elected and qualified. Any vacancy that may occur to be filled by the acting directors, until the next annual election, when such vacancy shall be filled by the electors.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 23, 1872.

AN ACT

To change the name of Roseville, Pike county, Ohio, to Buchanan.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the village of Roseville, Pike county, be and the same is hereby changed to Buchanan.

SEC. 2. *Be it further enacted,* That the citizens of said village are hereby authorized to cause a re-survey of the lots within said village to be made in pursuance of and in accordance with the provisions of an act entitled "An act to enable the holders of land within this state to perpetuate testimony relative to their lands," passed January 2, 1824, as amended January 27, 1857, and that a correct plat of said re-survey be made and recorded in the recorder's office of Pike county, Ohio: Provided, said re-survey does not in any way affect the boundaries of the lots already existing.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 23, 1872.

AN ACT

To authorize the commissioners of Franklin county to build a Bridge across the Scioto river in said county, and to levy a tax for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Franklin county be and they are hereby authorized to locate and build a bridge across the Scioto river on the line of the Moler road in Franklin township, near the southern boundary of the city of Columbus, and to levy a tax for that purpose not exceeding one mill on the dollar of all the taxable property of said county for the year 1872, in addition to the other levies authorized by law.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 23, 1872.

AN ACT

To authorize and require the trustees of German township, in Harrison county, to levy a tax to pay local Bounties.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of German township, in Harrison county, Ohio, be and they are hereby authorized and required to levy a tax in the year 1872, on the taxable property in said township not to exceed sixteen hundred dollars, to pay local bounties to volunteers credited to said township in the year one thousand eight hundred and sixty-four, and certify the same to the auditor of said Harrison county, and said tax shall be entered upon the duplicate of said county, and collected as other taxes, and the money arising therefrom shall be paid out by the county treasurer, to the trustees of said German township.

SEC. 2. That said trustees, upon the receipt of said money, shall pay to each volunteer who gave his credit to said township, in the year 1864, his heirs or assigns, the amount still remaining due under the contract made with him at the time he so gave his credit to said township, with six per cent. interest thereon from the first day of January, 1865.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To legalize the acts of the Directors of School District No. 5, in Franklin, township, Warren county.

WHEREAS, The citizens of Franklin, Franklin township, Warren county, and territory adjacent thereto, did in the year 1862 adopt the Akron school law for their government as a school district; and

WHEREAS, Said citizens have elected their school directors partly from the corporation of Franklin and partly from the territory adjacent thereto; and

WHEREAS, The organization and election of the directors are contrary to the provisions of the Akron school law, and

WHEREAS, Said directors have in good faith purchased additional school property, levied taxes and expended the same to the general satisfaction of the citizens of said district and the county auditor, and in accordance with the act entitled an act for the better regulation of schools in cities, towns, &c., passed February 21, 1849; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the proceedings and acts of said board of directors be and are hereby legalized, and the board of directors are authorized to proceed as though they were elected and the district organized under the act of 1849 above named.

SEC. 9. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

To authorize the township trustees of Spencer township, in Hamilton county, to transfer certain moneys from township funds to school funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Spencer township, in Hamilton county, be and they are hereby authorized and required to transfer and set over the sum of one thousand dollars out of any funds now in the hands of the township treasurer of said township for improvement purposes, to the school building fund of said township. Said sum so transferred or set over to be controlled and governed by the board of education of said Spencer township as other funds are now used and controlled by such board of education for building purposes, and no other.

SEC. 2. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

Authorizing the trustees of Madison township, Lake county, Ohio, to transfer the balance of the unexpended money raised for town hall purposes to general township funds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Madison, Lake county, Ohio, be and are hereby authorized to transfer the balance unexpended of any fund or funds raised for the purpose of building a town hall, or for paying any debt incurred in building the same, after the same shall have been completed and paid for, to the fund for general township purposes.

SEC. 2. This act shall be in force on and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

For the relief of Francis Hammond.

WHEREAS, Francis Hammond, late treasurer of Cambridge township, Guernsey county, Ohio, having deposited, as had been customary with his predecessors in office, the funds belonging to said township in the banking house of Alexander McCracken & Co., for safe keeping; and

WHEREAS, The firm of Alexander McCracken & Co. became insolvent, and made an assignment for the benefit of their creditors on the 22d day of March, A. D., 1869, having at that time of said township funds deposited as aforesaid by Francis Hammond the sum of \$1,255; and

WHEREAS, A large number of the tax-payers and voters of said Cambridge township represent that said loss was not due to any fault, neglect or complicity on the part of the said Francis Hammond, and ask that he and his sureties be released from the payment of said sum of money, less the per cent. (25) paid by the assignee of said McCracken & Co.; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Cambridge township are hereby authorized to release the said Francis Hammond and his sureties on his official bond, from the payment of the sum of nine hundred and thirty-one dollars, and enter said release on the minutes of said trustees: Provided, that before said release shall be made, the question shall be submitted to the qualified electors of said township at some general election, and a majority of the electors voting at said election shall vote in favor thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

To authorize the trustees of Greenwich township, Huron county, Ohio, to levy a tax and build a Township House and School House.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Greenwich township, Huron county, Ohio, are hereby authorized and required to levy a tax on all the taxable property of said township, of four thousand dollars, to be levied equally in the years 1872 and 1873, for the purpose of purchasing a site and building a township house and school house at Greenwich station in said township; and said township trustees shall build said township house and school house, to be used in the manner following: The first story to be used for town and township purposes, and the second story to be used for school purposes: and when said house shall be completed, the said township trustees shall turn said school room over to the board of education of said township, and said school room shall thereafter be and remain under the control of the said township board of education; and the first story shall remain under the control of the trustees of said township: Provided, that before said levy shall be made, the question shall be submitted to the qualified electors of said township, at some general or special election, and a majority of the electors voting at said election shall vote in favor thereof.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

To authorize the Board of Education of the separate school district of the incorporated village of Delta, Fulton county, Ohio, to levy a tax to pay indebtedness on School House, and to make necessary improvements on and around the same.

SECTION. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the separate school district of the incorporated village of Delta, Fulton county, be and they are hereby authorized to levy a tax on the taxable property of said separate school district, sufficient to raise the sum of fifteen hundred dollars; one thousand dol-

lars to be levied in the year eighteen hundred and seventy-two, and five hundred dollars to be levied in the year eighteen hundred and seventy-three.

SEC. 2. That said sum of fifteen hundred dollars, when raised by taxation, as provided in section one of this act, shall be applied to the payment of the indebtedness on said school house, and in making the necessary improvements on and around the same, and to no other purpose.

SEC. 3. That this act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

To authorize the Board of Education of Yellow Springs, Greene county, to borrow Money and issue Bonds therefor to build a Union School House.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of erecting a union school house, a large part of the material for which is already purchased, and in anticipation of taxes levied and to be levied for that purpose, the board of education of Yellow Springs, Greene county, is hereby authorized to borrow money and issue bonds therefor, in the name of said board, not exceeding in the aggregate ten thousand dollars, bearing interest payable semi-annually, at a rate not exceeding eight per centum per annum, and issued in such denominations not less than fifty nor more than five hundred dollars, and having such time to run, not exceeding eight years, as said board shall determine. The taxes levied and to be levied by authority of said board for building purposes, according to law, or so much thereof as may be necessary, shall be applied to the payment of the interest on such bonds, and to the redemption of the principal thereof, as the same shall become due: Provided, nothing herein shall be construed to authorize any tax to be levied not otherwise authorized by law; and provided further, that the lot on which such house shall be built, shall not contain less than one acre of ground.

SEC. 2. That said bonds shall not be sold for less than their par value: Provided, before any bonds shall be issued or money borrowed under this act, the question of the propriety thereof shall be submitted to the electors of said Yellow Springs, and the territory attached thereto for school purposes, at some general election in April or October, and a majority of all electors voting at said election shall have voted in favor thereof. But the said question shall not be submitted at more than two general elections.

SEC. 3. That this act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 25, 1872.

AN ACT

To authorize the commissioners of Montgomery county to assist in the construction of a Bridge over the Great Miami river at Dayton, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county be, and they are hereby authorized to appropriate from the bridge fund of said county the sum of ten thousand dollars, for the purpose of assisting in the construction of an iron bridge over the Great Miami river on Washington street, in the city of Dayton, in said county of Montgomery; provided, the said city of Dayton shall appropriate such an additional amount of funds as may be found necessary to complete the construction of said bridge.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 26, 1872.

AN ACT

To authorize the trustees of German township, Montgomery county, lease the premises on which they have commenced the erection of a Town Hall.

WHEREAS, A majority of the qualified electors of German township, Montgomery county, voting at a general election held in said township on the first Monday in April, 1871, voted in favor of levying a tax for the purpose of erecting a town hall, for the use of said township, in accordance with an act passed April 2, 1866, (Ohio Laws, vol. 63, page 84; S. & S., 783;) and

WHEREAS, A large portion of said tax has been collected, the site for said building purchased, and the foundation and cellar constructed; and

WHEREAS, It appears desirable to erect business rooms in connection with said town hall; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of German township, Montgomery county, are hereby authorized to lease the premises on which they have commenced the erection of a town hall, to one or more individuals for a period of ninety-nine years, renewable for ever: Provided, said individual or individuals shall erect on said premises the first story of a substantial building, in accordance with a plan to be furnished by said trustees, and shall permit said trustees to erect on said first story, a town hall for the use of said township; and, provided further, that before leasing said premises as above specified, the trustees shall give fifteen days' notice by advertisement in some newspaper of general circulation in said township, or by posting written or printed notices in at least three conspicuous places in in said township of the time and place of said letting; and at the time and place specified, they shall let the same at public vendue to the highest and best bidder. The rent for said premises shall be payable semi-annually for the use of the township, and the trustees shall have a lien on said premises and the appurtenances therefor.

SEC. 2. Said trustees shall let said premises as above provided, on or before May 10, 1872, and the individual or individuals leasing the same shall, within ten days after said letting, enter into a bond with surety, and payable to said German township, in such sum as may be required by said trustees, conditioned for the erection of said business rooms, in accordance with the plan and specifications furnished by said trustees, on or before the 15th day of September, 1872, and the said trustees shall also be bound for and on behalf of said German township, to erect said town hall over said business rooms, or at least inclose and roof the same on or before the 15th day of December, 1872.

SEC. 3. This act to take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 26, 1872.

AN ACT

To authorize the board of education of Franklin township, Coshoc-ton county, Ohio, to issue bonds and levy a tax on said township to raise money to purchase a site and build a School House.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Franklin township, Coshoc-ton county, Ohio, be and they are hereby authorized to issue their bonds for a sum not exceeding fifteen hundred dollars for the purpose of building a school house in sub-district No. 6, of said township, said bonds to be signed by the president and secretary of said board of education, and to be in sums of not less than fifty nor more than five hundred dollars, payable in not less nor more than five years, bearing interest at a rate not exceeding eight per centum per annum: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said board of education are hereby authorized and empowered to levy a tax on the taxable property of said township in such amount annually as will be sufficient to pay the principal of such bonds as may fall due in each year, together with the interest on all the unpaid bonds so issued; and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. The board of education of said township shall certify to the county auditor the amount of tax necessary, not exceeding the amount specified in the first section of this act, which shall be entered upon the tax duplicate and collected as other taxes are collected as provided by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed March 29, 1872.

AN ACT

To authorize the Board of Education and Trustees of Vermillion township, Ashland county, to levy a tax to build a School and Township House.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Vermillion township, Ashland county, be and are hereby authorized to levy a tax upon the taxable property of said township, for any sum not exceeding twenty-five hundred dollars, for the purpose of purchasing a site and building a school and township house, and for no other purpose.

SEC. 2. The board of education of the township of Vermillion, in Ashland county, be and they are hereby authorized to levy a tax in any sum, not exceeding twenty-five hundred dollars, on the taxable property of said township, and when collected it shall be paid by said board of education, in connection with the trustees of said township, for the purchase of a site and the construction of a school and township house.

SEC. 3. The board of education and trustees of said township shall certify to the county auditor the amount of taxes necessary, not exceeding the amount specified in the first and second sections of this act, which amounts so specified shall be entered upon the duplicate, and collected as other taxes are collected.

SEC. 4. Said school and township house shall forever be and remain under the control and management of said board of education and township trustees and their successors in office.

SEC. 5. The board of education and trustees of said township shall have control and management of said building and of its construction, and if advisable, may issue bonds of the township for the construction of the same in anticipation of the receipts of said levies, in such denominations and for such times, not exceeding five years, and at a rate of interest not exceeding eight per cent., as they may think advisable.

SEC. 6. Said board of education and township trustees may, if thought best, locate said house on any lands now owned by the school authorities of said township.

SEC. 7. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 29, 1872.

AN ACT

To authorize the city of Piqua to purchase the canal of the Piqua Hydraulic Company, and the appurtenances belonging to the same, and to complete the same for Water Works for the use of said city and its inhabitants.

WHEREAS, The city of Piqua having already expended more than fifty thousand dollars, which has entered into the construction of said Piqua hydraulic canal, under a contract with said hydraulic company to furnish the city with water works; and

WHEREAS, Said hydraulic company being unable to complete its canal and works, and comply with its agreement to furnish said city with water; and

WHEREAS, The necessity for water works for the use of said city and its citizens still exists, and there being no other or better way to supply said water than by the completion of said canal according to the plan of said hydraulic company; and

WHEREAS, The question of the purchase of said hydraulic canal by said city was regularly submitted to the qualified voters of said city by an ordinance duly passed for that purpose, and a vote under said ordinance was regularly and duly taken on the 27th of November, 1871, resulting in favor of said purchase by said city, by a vote of 703 for the purchase to 33 against the same; and

WHEREAS, The stockholders of said hydraulic company have consented in writing to the purchase of said canal by said city; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Piqua are hereby authorized to purchase, upon such terms as they may deem most advantageous for and on behalf of said city, from the Piqua hydraulic company, its canal and all its appurtenances, fixtures, rights and property of whatever kind belonging to said company, and to finish and complete said canal for water works for the use of said city; and in order to purchase and complete the same the said city council is hereby authorized to issue the bonds or certificates of indebtedness of said city, not to exceed the sum of \$150,000, in such sums as they may deem most advisable, payable at such time as the city council may determine, not exceeding twenty years, and redeemable at any time after five years, at the pleasure of said council, and at a rate of interest not exceeding eight per centum, payable semi annually; and to dispose of the same in purchasing and completing said hydraulic canal for water works for said city, and in such manner and upon such terms as may be deemed most advantageous for the interests of said city: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That said city council are hereby authorized to levy and collect a tax sufficient in amount to pay the interest on said bonds and to gradually extinguish the principal of the same.

SEC. 3. This act shall take effect and be in force upon its passage.

N. H. VAN VORRIES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed March 29, 1872.

AN ACT

To authorize the council of the incorporated village of Middletown, Butler county, Ohio, to borrow money for the construction of Water Works for said village for fire and other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Middletown, Butler county, Ohio, are hereby authorized and empowered to borrow money not exceed-

ing in all the sum of fifty thousand dollars, to be used and applied only to the purpose of constructing water works for the protection of said village from fire, and for domestic and other purposes in said village; and, to provide for the payment of the same, to issue the bonds of said village, bearing interest not exceeding eight per centum per annum, and payable in ten, fifteen and twenty years from the first issue in equal amounts, and redeemable at the pleasure of said council: Provided, that said bonds shall not be disposed of in any case for less than their par value. Said bonds shall be signed by the mayor and countersigned by the clerk.

SEC. 2. That for the purpose of paying said bonds and the interest thereon as the same may become due, said council shall be and are hereby authorized to levy a tax annually upon all the taxable property within said village sufficient for the purpose, not exceeding three and one-half mills on the dollar in any one year: Provided, that no such loan shall be made, bonds issued or tax levied unless a majority of the qualified voters of said village shall, at the annual spring election, to be held in April, 1872, authorize said council by an affirmative vote to make such loan. The regular ballots at said election shall be indorsed, "For the water works," or "Against the water works," as the case may be.

SEC. 3. That this act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 29, 1872.

AN ACT

To authorize the Board of Education of the special school District of Wauseon, Fulton county, Ohio, to issue bonds and levy a tax to pay Indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the special school district of Wauseon, Fulton county, Ohio, be and it is hereby authorized to raise by tax levied on all the taxable property of said special school district a sum not exceeding three thousand dollars, for the purpose of paying indebtedness, and that the said sum be raised in two annual installments; one half in the year 1872, and one-half in the year 1873.

SEC. 2. That the said board of education is hereby authorized to anticipate the amount of money so to be raised, by borrowing such sum, not exceeding the above amount, as shall be necessary to pay said indebtedness, and it is hereby authorized to issue bonds in such denominations and at such rate of interest, not exceeding eight per cent., as the board may determine, and payable at any time within three years, at the discretion of said board: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. This act shall be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 29, 1872.

AN ACT

To authorize the Board of Education of the city of Akron, in the county of Summit and State of Ohio, to borrow money to construct additional school buildings and pay existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Akron, in Summit county and state of Ohio, be and it is hereby authorized and empowered, for the purpose of building and furnishing additional school buildings for the use of said school district and paying its existing indebtedness, to borrow the sum of twenty-five thousand dollars for the term of not to exceed five years, and at a rate of interest not to exceed eight per cent. per annum, payable semi-annually; and said board may issue its bonds for the payment of the money so borrowed, payable at such times within said five years as it shall deem best: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That said board of education is hereby authorized and required to pay said bonds and interest at maturity from the taxes which shall be levied and collected on the property in said district, as provided by law.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER.

[President of the Senate.]

Passed March 29, 1872.

AN ACT

To authorize the commissioners of Montgomery county to construct a Work House in connection with the county jail building of said county.

WHEREAS, The commissioners of Montgomery county are now engaged in the construction of a new jail building in said county, in the city of Dayton; and

WHEREAS, It is desirable, expedient and necessary that a work house should be constructed therewith; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Montgomery county are hereby authorized and empowered to attach suitable buildings to said county jail for the uses and purposes of a work house, at a cost not to exceed the sum of four thousand dollars.

SEC. 2. The direction, management and control of said work house shall be vested in the county commissioners, who shall have power to provide for the expenses of the same, to appoint a superintendent, fix his term of office and the amount of his salary.

SEC. 3. As soon as such work house shall be completed, it shall thereafter be the duty of any court or magistrate in said county, authorized by

law to sentence or commit to the county jail any person over the age of sixteen years, convicted of a violation of any of the laws of this state, to sentence such person to imprisonment in such work house; and any person so sentenced shall be there kept and confined at labor, subject to the rules, regulations and discipline of such work house until the expiration of such sentence.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 30, 1872.

AN ACT

To create a sub-school district in Franklin township, in Coshoccon county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the territory hereinafter described be and the same is hereby created and declared to constitute a sub school district in the county of Coshoccon, to-wit: Beginning on the line between Franklin and Jackson townships, in said county, at a point on the west bank of the Muskingum river, and running west along said township line to the northwest corner of Franklin township; thence south along said Franklin township line to the northwest corner of the original Charles Miller farm; thence east along the north line of said Miller farm to the Muskingum river; thence a northern direction along the meanders of said river to the place of beginning.

SEC. 2. Said sub-school district shall be organized and in all respects governed by an act to provide for the reorganization, supervision and maintenance of common schools, passed March 14, 1853, and the acts amendatory and supplementary thereto.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed March 30, 1872.

AN ACT

To authorize the board of education of the separate school district of the village of Paulding, Paulding township, Paulding county, Ohio, to issue bonds and borrow money to pay existing indebtedness and make improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the separate school district of the village of Paulding, Paulding township, Paulding county, be and they are hereby

authorized and empowered to issue bonds not to exceed the sum of two thousand dollars, bearing a rate of interest not to exceed eight per cent. per annum, and to be of such denominations as the said board shall determine, but not less than one hundred dollars each, which said bonds shall be made payable in four, five and six years from the date of their issue, in such proportions as the said board may determine, and shall not be sold for less than their par value, and the proceeds arising from the sale of said bonds shall be applied to the payment of the existing indebtedness of said separate school district, and to making necessary repairs and improvements for its benefit, and for no other purpose.

SEC. 2. That said board of education are hereby authorized and empowered to levy an additional tax of two mills on the dollar on all the taxable property of said separate school district for contingent purposes; the said additional levy not to extend beyond six years from the date of the issue of said bonds.

SEC. 3. That said board of education and their successors in office shall have power, and it is hereby made their duty, at the expiration of three years after the date of said bonds, to levy an additional tax on all the taxable property of said separate school district, sufficient to pay said bonds as they may mature, and the money arising from said tax shall be applied to the payment of said bonds, and for no other purpose.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 4, 1872.

AN ACT

To authorize the trustees of Bedford township, Cuyahoga county, Ohio, to contract with certain parties therein named, in the construction of a Town Hall.

WHEREAS, The trustees of Bedford township, Cuyahoga county, Ohio, contemplate the erection of a town hall; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the trustees of Bedford township, Cuyahoga county, Ohio, if they see proper so to do, to construct a town hall, so as to accommodate the incorporated village of Bedford, in Cuyahoga county, Ohio, and Bedford Lodge, No. 375, of Free and Accepted Masons, of the state of Ohio, located at said township of Bedford, or either of them, with suitable rooms and apartments therein, upon such terms and conditions as to them shall appear equitable and just.

SEC. 2. That when said several parties shall agree upon the terms and conditions in regard to the construction of said town hall, and assignment of the various apartments for their several accommodation, they shall reduce their said agreement to writing, under the hands and seals of the trustees of said township and the trustees of said village, and by the trustees of said lodge, or its principal officers, and acknowledge the same before some competent person authorized by law to take ac-

knowledgments; and when so executed and acknowledged, they shall cause the same to be entered of record in the recorder's office of said Cuyahoga county, and the same thereafter shall be conclusive evidence of the terms of their said agreement, and the rights of said parties: Provided, said trustees shall have the same power to make a contract with any person or persons, or lodge, as is granted to them in this act to make with said village of Bedford, or with said Bedford lodge No. 375 of Free and Accepted Masons; and provided, further, that the portion of said hall or building erected and owned by said lodge of Free and Accepted Masons, or any corporation, person or persons, shall be appraised and taxed as other private property.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 4, 1872.

AN ACT

To authorize the incorporated village of Norwalk to levy and collect a tax on the taxable property of said village, for the purpose of providing a Sinking Fund to pay the funded and floating debt of said village.

WHEREAS, The incorporated village of Norwalk has now existing a funded debt of seventy-five thousand dollars, (\$75,000) and a floating debt of twenty thousand dollars (\$20,000), incurred for building water works for said village; and

WHEREAS, Under the laws of the state now existing, the authority of the council of said village to levy a tax to provide a sinking fund to extinguish said debt is insufficient; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Norwalk, be and it is hereby authorized to levy and collect a tax on the taxable property of said village, in addition to the amount now authorized by law, not exceeding four (4) mills on the dollar valuation in any one year, until said debt is fully provided for, to be certified, returned and collected as provided by law for other taxes, the proceeds of which when collected shall be applied by order of the council to the extinguishment of said funded and floating debt, and for no other purpose.

SEC. 2. This act shall be in force and take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 4, 1872.

AN ACT

To authorize the board of education of the incorporated village of Conneaut, Ashtabula county, Ohio, and territory annexed for school purposes, to levy a special tax to pay certain Indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the incorporated village of Conneaut, Ashtabula county, Ohio, and territory thereto annexed for school purposes, be and it is hereby authorized to levy a special tax, in addition to the taxes now authorized by law, upon all taxable property of said village and territory thereto annexed for school purposes, for the years A. D. 1872, 1873 and 1874, not exceeding two mills on the dollar annually, for the purpose of enabling said board to liquidate and pay its existing indebtedness; and the same shall be certified to the county auditor, and collected as other taxes are.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

For the relief of the bondsmen of John H. Morton, late treasurer of Richland township, Logan county, Ohio.

WHEREAS, Alvin Clark and Washington Spencer are sureties on the official bond of John H. Morton, who was treasurer of the township of Richland, in Logan county, Ohio, in the year 1870; and

WHEREAS, The said J. H. Morton did, in that year, by fire and other misfortunes, become a defaulter of the township and school funds of said township, in the sum of eleven hundred dollars, and is now totally and hopelessly insolvent; and

WHEREAS, A majority of the tax-payers of said township have petitioned this general assembly for the passage of a law for the relief of the said sureties; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees and board of education of Richland township, Logan county, Ohio, are hereby authorized to submit, at any regular or special election, and if at a special election, after thirty days' notice thereof, given by notices posted in at least six conspicuous places in said township, to the qualified electors of said township, the question of releasing the said sureties, and upon an affirmative vote of a majority of those voting at said electing on said questing, said trustees and board of education shall release the said sureties as hereinafter provided.

SEC. 2. Before the trustees and board of education of said township shall grant the release provided for in the first section of this act, they shall require the said sureties to show, by a detailed statement, properly

sworn to before a justice of the peace or notary public, that they have faithfully disposed of all property of every kind that may have come into their possession as such sureties, and showing that the proceeds of all such property have been properly applied among the creditors of the said J. H. Morton and said township, according to their respective priorities.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

For the relief of Harry Black, Abraham Huber, and Mrs. L. M. Lawson.

WHEREAS, In 1864, by a mistake in the transfer of lands to Mrs. L. M. Lawson, of McArthur township, in Logan county, Ohio, she was charged with an excess of value of (\$1840) eighteen hundred and forty dollars, and has paid the taxes on that excess of value for six years; and

WHEREAS, In 1867, by a clerical error in the duplicates, Abraham Huber, of Pleasant township, Logan county, Ohio, was charged with an excess of value on his lands of (\$5200) five thousand two hundred dollars, and has paid the taxes on that excess of value for three years; and

WHEREAS, In 1860, by a clerical error in the duplicates, Harry Black, of Liberty township, Logan county, Ohio, was charged with an excess of value of (\$1150) eleven hundred and fifty dollars, upon which excess of value he has paid the taxes for ten years; and

WHEREAS, In each of the above named cases a large amount of taxes have been improperly paid, which cannot be refunded under existing laws; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Logan county be, and he is hereby directed and required to examine the several cases above named, and if he shall find that the parties named have paid improper or illegal taxes, he shall lay the matter before the county commissioners at any regular or called session of the board, and if in the opinion of the commissioners the taxes so improperly paid should be refunded, they shall order the county auditor to draw his warrant on the county treasurer in favor of each of the parties herein named, for the full amount of the taxes so improperly paid by each; and the county treasurer is hereby required to pay the same out of any surplus or unexpended funds in the county treasury.

SEC. 2. At the next semi-annual settlement of the auditor of Logan county, with the auditor of state, after the refunding of said improper taxes, the auditor of said county shall deduct from the amount of taxes due the state at the settlement, the same as other taxes refunded are now required to be deducted, the amount of such taxes as may have been paid into the state treasury.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

To authorize the trustees of Concord township, Ross County, Ohio, to contract with Frankfort Lodge, No. 309, of Free and Accepted Masons, in the construction of a township hall.

WHEREAS, The trustees of Concord township, Ross county, Ohio, contemplate the erection of a township hall in the incorporated village of Frankfort, in the above named township; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the township trustees of Concord township, Ross county, Ohio, if they see proper, are hereby authorized and empowered to construct a township hall, embracing a room for voting purposes, upon the ground floor, and so as to accommodate Frankfort Lodge, No. 309, of Free and Accepted Masons, of the state of Ohio, located at Frankfort, in Concord township, in the aforesaid county, with suitable rooms and apartments therein, upon such terms and conditions as to them shall appear equitable and just.

SEC. 2. That when said parties shall agree upon the terms and conditions in regard to the construction of said township hall and assignment of the various apartments for their several accommodation, they shall reduce their said agreement to writing, under their hands and seals, the trustees in person, and said lodge by the trustees thereof or its principal officers, and acknowledge the same before some competent person authorized by law to take acknowledgments, and when so executed and acknowledged, they shall cause the same to be entered on record in the recorder's office of said Ross county, and the same thereafter shall be conclusive evidence of the terms of their said agreement and the rights of said parties: Provided, the township trustees shall have the same power to make a contract with any person or persons, or lodge, as is granted to them in this act to make with Frankfort Lodge, No. 309, of Free and Accepted Masons; and provided further, that the portion of said hall or building, erected and owned by said Lodge of Free and Accepted Masons, shall be appraised and taxed as other private property.

SEC. 3. That for the purpose of paying the expenses incurred in the construction of said hall, the trustees of said township are hereby authorized to levy, in excess of the taxes now authorized by law on the taxable property of said township, a sum sufficient to raise the amount of thirteen hundred and thirty-three dollars per year, for the year eighteen hundred and seventy-two, and the two years immediately thereafter.

SEC. 4. That in anticipation of taxes so levied and taxes already authorized by law, the trustees of said township are hereby empowered to issue bonds and borrow the sum of six thousand dollars, to be paid in equal installments, in one, two and three years, and to bear a rate of interest not exceeding eight per cent. Said bonds to be sold at not less than their par value.

SEC. 5. That the trustees of said township are hereby required to call a special election to be held on Saturday, the 18th day of May, 1872, and to give notice of the same by hand bills, posted in every school district in the township at least twenty days before said election. Tickets shall be provided by said trustees, upon which shall be printed "Township Hall, Yes," "Township Hall, No," and the voter wishing to vote "Yes" shall

erase the word "No," and the voter desiring to vote "No" will erase the word "Yes." If a majority of the voters voting at said election shall vote "Township Hall, Yes," then the township trustees of said Concord township are hereby authorized and empowered to proceed to build such township hall under the provisions of this act; but should a majority vote "Township Hall, No," the trustees shall take no action under this act. The trustees and township clerk of said township shall conduct said election in such manner as elections for township officers are conducted.

SEC. 6 This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

For the relief of John A. Carothers, Superintendent of the Delaware County Infirmary.

WHEREAS, On the night of the 14th of February, 1871, the infirmary barn in Delaware county, Ohio, was set on fire by an insane inmate of said infirmary, burning two valuable horses, together with a carriage worth two hundred and forty dollars, one double and one single harness, saddle and bridle, in all valued at seven hundred and fifty dollars; and

WHEREAS, A suitable place for the confinement of such insane inmates was not provided at said infirmary, but they were allowed their liberty by the knowledge and consent of the board of directors of said infirmary, and that the superintendent, John A. Carothers, was not responsible for the act of said inmates for the reason above stated; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Delaware county, Ohio, be and they are hereby authorized to pay the said John A. Carothers the sum of seven hundred and fifty dollars, by reason of the loss above referred to, out of the funds of said county.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 10, 1872.

AN ACT

To provide for the erection of a county jail in Champaign county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Champaign county, Ohio, be and they are

hereby authorized and empowered to raise by a special tax on all the taxable property in said county, by one or more annual levies, as said commissioners may determine, a sum not exceeding thirty thousand dollars, for the purpose of building a county jail on the lot now owned by said county, upon which the court house now stands, or some other suitable lot, to be procured by said commissioners.

SEC. 2. That in anticipation of said tax, said commissioners are hereby authorized to issue the bonds of said county in such sums as they may deem proper, not exceeding the amount of thirty thousand dollars, and payable at such times as they may deem proper, not exceeding five years, and bearing interest not exceeding eight per cent. per annum, payable semi-annually, and dispose of the same at not less than their par value, and apply the proceeds to the building of said jail; said bonds and the interest thereon to be paid from the tax thus levied.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 10, 1872.

AN ACT

To authorize the town council of the village of Bryan, Williams county, Ohio, to issue bonds to raise money to build a town hall, engine house and public offices, and purchase a steam engine for said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of Bryan, Williams county, Ohio, be and they are hereby authorized to issue their bonds, not to exceed the sum of twenty thousand dollars, to raise money for the purpose of building a town hall, engine house, public offices, and purchasing a steam fire engine; said bonds to be signed by the mayor and secretary of said council, and to be in sums not less than fifty dollars nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, interest payable annually, and principal payable at any time not exceeding five years from the time of issuing the same, at the discretion of said council: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying such bonds and the interest thereon as the same may become due, the said town council are hereby authorized, required and empowered to levy a tax on the taxable property of the incorporated village [of] Bryan, Williams county, Ohio, such amount annually as will be sufficient to pay the principal of such bonds as may fall due in each year, together with interest on all the unpaid bonds so issued, and the money so raised shall not be used for any other purpose than to pay such bonds and interest, which amount shall be certified by said town council to the auditor of that county, whose duty it shall be to enter the same upon the tax duplicate, to be collected as other taxes: Provided, however, that said town council of said incorporated village of Bryan shall not be empowered to levy any tax under the provisions of this

act, until said tax and the amount thereof shall be submitted to the legal voters of said incorporated village of Bryan, in the manner prescribed in an act to authorize the erection, improving, enlarging or constructing additions to town halls, passed April 2, 1866, (Ohio Laws, volume 63, page 84, S. & S., 788.)

SEC. 3. This act shall be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 10, 1872.

AN ACT

To authorize the trustees of Jackson township, Coshocton county, to levy a tax to build a Township House and Town Hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Jackson township, Coshocton county, be and they are hereby authorized to levy a tax upon all the taxable property of said township, to any amount not exceeding two thousand five hundred dollars, for the purpose of purchasing a site and building a township house and town hall in the village of Roscoe, and for no other purpose: Provided, that before any levy shall be made for that purpose, the question shall be submitted to the qualified electors thereof, (notice of which shall be given by previously posting for at least ten days, in at least three of the most public places in said township,) at some general election, and a majority of the electors thereat voting in favor of said levy.

SEC. 2. That when completed, said building shall be and remain under control of said trustees, and they are also authorized to determine the purposes for which the several rooms in said building shall be used: Provided the same be not inconsistent with the object of this act.

SEC. 3. This act shall take effect upon its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 10, 1872.

AN ACT

To authorize the Commissioners of Ross county to levy an additional tax, and borrow money to build a County Infirmary.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Ross county be and they are hereby authorized and empowered, for the purpose of enabling them to build a county infirmary, to levy a tax upon the grand duplicate of said county, in addi-

tion to the taxes now authorized by law, for such purpose, sufficient to produce the amount of fifty thousand dollars; said tax to be apportioned in such sums during such years, (not exceeding three years,) as said commissioners may deem best.

SEC. 2. That for the purpose of anticipating said tax, the said commissioners are hereby authorized to borrow the sum of fifty thousand dollars, and issue the bonds of the county for the same, payable in such sums and at such times within three years, as said commissioners may determine, to bear a rate of interest not to exceed eight per cent. per annum, and shall not be sold for less than their par value.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BARCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 11, 1872.

AN ACT

To authorize the Board of Education of school district number one, Paris township, Union county, to transfer the moneys collected for the purpose of building an addition to the present school house in said district, to the fund for building a new and separate school house in said school district, and to repeal an act therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of school district number one, Paris township, Union county, is hereby authorized to transfer the moneys now in the treasury, or which may hereafter be collected, by virtue of a tax levied for the purpose of building an addition to the present school house in said school district number one, to a fund for building a new and separate school house in said school district number one, Paris township, Union county.

SEC. 2. That the act to authorize the board of education of the incorporated village of Marysville, Union county, to transfer a fund therein named to the fund for building a school house in said incorporated village, be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 12, 1872.

AN ACT

To authorize the Board of Education of the incorporated village of Middletown, Butler county, Ohio, to issue bonds to raise money to finish school buildings now in course of erection, and to levy a tax to pay said bonds and their interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Middletown, Butler county, Ohio, (district number three,) be and they are hereby authorized to issue their bonds, not exceeding twenty thousand dollars, to raise money to finish the new school building now in course of erection within said district (No. 3,) and to pay the interest on the same; said bonds to be signed by the president and secretary of said board of education, and to be in sums not less than fifty nor more than five hundred dollars each; said bonds to be made payable in four, five, six and seven years from the date thereof, and bearing interest at the rate of eight per cent. per annum, payable semi-annually.

SEC. 2. That for the purpose of paying the said bonds and the interest thereon as the same shall become due, the said board of education are hereby authorized and empowered to levy a tax on the taxable property of the incorporated village of Middletown, Butler county, Ohio, such amount annually as will be sufficient to pay the principal of such bonds as may fall due in each year, together with the interest on all the unpaid bonds so issued, and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 12, 1872.

AN ACT

To authorize the trustees and board of education of Troy township, Morrow county, Ohio, to build a house for school and township purposes, and to authorize the trustees to levy a tax for said purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees and board of education of Troy township, Morrow county, be and they are hereby authorized to unite in building a house in said township for township and school purposes. The ground floor of said house shall be used for school purposes, and the second floor shall be used for township purposes.

SEC. 2. The question shall be submitted to the qualified voters of Troy township, Morrow county, at the April election 1872, whether the

trustees shall levy a tax to build a township house or not; and if a majority of all the votes cast at said election shall be in favor of such tax for a township house, then said trustees shall unite with said board of education and build said township and school house. On the ballots shall be written or printed these words: Tax for Township House—"Yes," or Tax for Township House—"No."

SEC. 3. The trustees of Troy township, Morrow county, are hereby authorized to levy a tax on all the taxable property of said township, not exceeding one thousand dollars, to enable them to carry out the provisions of this act: Provided, that a majority of all the votes cast at said election be in favor of such tax.

SEC. 4. This act shall be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 12, 1872.

AN ACT

To authorize the board of education of the township of Manhattan, in the county of Lucas, to levy a tax to build school houses and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of Manhattan, in the county of Lucas, be and they are hereby authorized to issue bonds to an amount not exceeding three thousand dollars, to raise money to build school houses in said township, said bonds to be signed by the president and secretary of said board of education, and to be in sums of not less than fifty dollars nor more than one hundred dollars each, bearing interest at a rate not exceeding eight per centum per annum, payable semi-annually, and said bonds made payable at any time not exceeding three years from their date, at the discretion of said board: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon as the same shall become due, said board of education are hereby authorized and empowered to levy a tax on all the taxable property of said township of Manhattan, in such amounts annually as will be sufficient to pay principal and interest of said bonds as they may become due in each year; and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. This act shall be in force after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 12, 1872.

AN ACT

To authorize the trustees of Marseilles township, Wyandot county, to levy a tax upon said township to pay off an existing indebtedness contracted for the building of a school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That to enable the trustees of Marseilles township, Wyandot county; to pay off an indebtedness contracted by the board of education of said township in erecting and furnishing a school house in said township, said trustees are hereby authorized to levy on the taxable property of said township, five thousand dollars, of which one-half is to be levied in the year one thousand eight hundred and seventy-two, and the remaining half to be levied in the year one thousand eight hundred and seventy-three, which shall be placed upon the tax duplicate by the county auditor of said county, and be collected by the county treasurer, who shall pay the same over to the township treasurer as other taxes for similar purposes.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 12, 1872.

AN ACT

To suspend the operation of the third section of an act entitled an "Act prescribing the rate of taxation for county, bridge, road, and township purposes," passed May the 1st, 1871, (O. L., vol. 68, page 116,) so far as the same interferes with the construction of a bridge across the Muskingum river between Taylorsville and Duncan's Falls.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the third section of an act entitled an act prescribing the rate of taxation for county, bridge, road and township purposes, passed May the 1st, 1871, shall not be held to apply to or limit or restrict the power of the commissioners of Muskingum county, in the construction of a bridge across the Muskingum river, between the towns of Taylorsville and Duncan's Falls, under the act passed March 25, 1870, entitled an act to authorize the commissioners of the county of Muskingum to construct a free bridge across the Muskingum river between the towns of Taylorsville and Duncan's Falls, in said county.

SEC. 2. This act to take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 12, 1872.

AN ACT

To authorize the board of education of Miami township, Hamilton county, to issue bonds to raise money to pay an existing debt incurred in the erection of a school building, and to levy a tax to pay said bonds and their interest.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of Miami, Hamilton county, Ohio, be and they are hereby authorized to issue their bonds for a sum not exceeding four thousand dollars, to raise money to pay an existing debt incurred in building a school house in sub-district number two of said township; said bonds to be signed by the president and secretary of said board of education, and to be in sums of not less than fifty nor more than five hundred dollars, payable in not less than one nor more than five years, bearing interest at a rate not exceeding eight per centum per annum, payable annually: Provided, the aforesaid bonds shall at no time be sold for less than their par value.

SEC. 2. That for the purpose of paying the said bonds and the interest thereon, as the same shall become due, and the said board of education are hereby authorized and empowered to levy a tax on the taxable property of said township, in such amount annually as will be sufficient to pay the principal of such bonds as may fall due in each year, together with interest on all the unpaid bonds so issued; and the money so raised shall not be used for any other purpose than to pay said bonds and interest.

SEC. 3. The board of education of said township shall certify to the county auditor the amount of tax necessary, not exceeding the amount specified in the first section of this act, which shall be entered upon the tax duplicate and collected as other taxes are collected as provided by law.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 13, 1872.

AN ACT

To authorize the commissioners of Columbiana county to levy a tax for the improvement of the infirmary of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Columbiana county be and are hereby authorized to levy at their June session, in the years 1872 and 1873 each, one-fourth of one mill on the dollar of all the taxable property in said county, for the purpose of improving the building of the county infirmary.

SEC. 2. For the purpose of anticipating the money provided for in the first section of this act, the commissioners are hereby authorized, if they

deem it expedient, to issue bonds in amount not exceeding ten thousand dollars, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually. The principal of said bonds to be made payable at such times as the commissioners may determine, not later than the first of August, 1874: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 13, 1872.

AN ACT

To authorize the commissioners of Stark county to build a jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Stark county be and they are hereby authorized to purchase a site, and erect thereon a new jail for said county, at the seat of justice of said county, at a cost not exceeding fifty thousand dollars, (cost of site and building,) exclusive of the amount which may be derived from the sale of the present jail lot and old jail, which lot and building they are hereby authorized to sell at public or private sale, as they shall deem advisable, or otherwise appropriate, and apply to or in payment for the said new jail.

SEC. 2. The county commissioners shall raise by taxation on the property of the county whatever sum may be needed for said purposes, not exceeding in any one year twenty-five thousand dollars. In anticipation of the collection of said taxes, the said commissioners shall have power to issue the bonds of said county in such sums and upon such terms, bearing not to exceed eight per cent. interest, and redeemable at the time or times specified in said bonds, not exceeding five years from date: Provided, said bonds shall not be sold for less than their par value.

SEC. 3. Before determining upon a plan of said building, said commissioners may personally examine similar structures anywhere in the state, and they shall call to their assistance a competent architect or engineer to prepare drafts and specifications of the plan determined upon; and the work of erecting the aforesaid jail may be done either under their own supervision or that of a superintendent to be appointed by them, and subject to their control in accordance with the plan determined on by them, or any modifications thereof they may make.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 16, 1872.

AN ACT

To authorize the board of education of the village of Carrollton, Carroll county, Ohio, to issue bonds to obtain money to pay the existing debt of said school district, incurred in the erection of a school building, and to complete the same, and levy a tax to pay said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the school district of Carrollton, Carroll county, Ohio, and the territory annexed thereto for school purposes, be and they are hereby authorized to issue bonds not exceeding in amount twenty-five hundred dollars, to raise money to pay an existing debt, incurred in the erection and construction of a school building in said school district, said bonds to be signed by the president and secretary or clerk of said board of education, and to be in sums of not less than fifty dollars nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per centum per annum, the principal and interest of said bonds to be payable as said board of education may direct, not exceeding three years from the time of issuing the same: Provided, the said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said board of education is hereby authorized and empowered to levy a tax on the taxable property of said school district of Carrollton, Carroll county, Ohio, and the territory annexed thereto for school purposes, in such amounts annually, commencing in the year 1872, as will be sufficient to pay the principal and interest of said bonds as they may become due in each year as said board of education shall determine; and the money so raised shall not be used for any other purpose than to pay said bonds or debt and interest thereon.

SEC. 3. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives,
 JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

To authorize the creation of a separate School District in Orange township, Delaware county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the of State of Ohio,* That the territory comprised in sub-district number eight in said Orange township, be and the same is created and declared to constitute a separate school district: Provided, however, that a majority of the electors residing upon said territory shall vote in favor of said separate school district and

proceed to organize the same under the provisions of the act of April 9, 1867, except the limitation of the first section requiring a population of two hundred and seventy-five persons; also provided, that said district organize and establish a graded school.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

To authorize the board of education of Wilmington, Clinton county, Ohio, and territory annexed for school purposes, to levy a special tax to pay an existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Wilmington, Clinton county, Ohio, and territory annexed thereto for school purposes, be and it is hereby authorized to levy a special tax (in addition to the taxes now authorized by law) upon all the taxable property in said village and territory thereto annexed for school purposes, for the years A. D. 1872 and 1873, not exceeding two mills on the dollar, for the purpose of enabling said board to liquidate and pay its existing indebtedness.

SEC. 2. This act shall take effect from its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

To authorize the Board of Education of the city of Springfield, county of Clarke, state of Ohio, to borrow Money to construct additional school buildings.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Springfield, in the county of Clarke, state of Ohio, be and it is hereby authorized and empowered for the purpose of building and furnishing additional school buildings for the use of said school district, to borrow any sum of money not exceeding fifteen thousand dollars, for a term not to exceed four years, and at a rate of interest not exceeding eight per cent. per annum, payable semi-annually; and said board may issue its bonds for the payment of the money so

borrowed, payable at such times within said four years as it shall deem best: Provided, that said bonds shall not be sold for less than the par value.

SEC. 2. That said board of education, is hereby authorized and required to pay said bonds and interest at maturity from the taxes which shall be levied and collected on the property in said district, as provided by law: Provided, however, that no special levy shall be made for the payment of said bonds.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

To amend section one of an act entitled "An act to authorize the Commissioners of Franklin county to build a bridge across the Scioto river in said county, and to levy a tax for that purpose," passed March 23, 1872.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above recited act, be so amended as to read as follows:

Section 1. That the commissioners of Franklin county, be and they are hereby authorized to locate and build a bridge across the Scioto river, on the line of the Moler road, in Franklin township, near the southern boundary of the city of Columbus, and to levy a tax for that purpose, not exceeding one-half of one mill on the dollar of all the taxable property of said county, for each of the years 1872 and 1873, in addition to the other levies authorized by law.

SEC. 2. That section one of the act to which this is amendatory, be and the same is hereby repealed:

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

To authorize the Board of Education of the incorporated village of Jackson, Jackson county, Ohio, to borrow Money and issue bonds to build an addition to the present school house.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Jackson village school district of Jack-

son, Jackson county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of seven thousand dollars, for the purpose of building an addition to the present school house in said village.

SEC. 2. That for the purpose aforesaid, the said board are hereby authorized and empowered to issue bonds, to be signed by the president and secretary of said board of education, in sums not less than fifty nor more than five hundred dollars, bearing interest at a rate not exceeding eight per cent, per annum; and bonds to be payable any time within five years from the time of issuing the same: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That for the purpose of paying the said bonds and the interest thereon, as the same shall become due, the said board of education are hereby authorized and empowered to levy on the taxable property of said Jackson village school district of Jackson, Jackson county, Ohio, such amount annually as will be sufficient to pay the principal of the bonds that shall fall due each year, and also the interest falling due annually on all of the bonds so issued, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 17, 1872.

AN ACT

Supplemental to an act entitled "An act to authorize the location and construction by the county commissioners of Scioto county, of free turnpikes and plank roads," passed April 5, 1866. [O. L., vol. 63, page 207 and 208.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Scioto county are hereby authorized to issue the bonds of said county in any sum not exceeding two hundred thousand dollars, for the purpose of locating and constructing free turnpikes within the limits of said county, subject to the conditions herein mentioned, under the act to which this is supplemental, and the act supplemental thereto, passed March 1, 1869, (O. L., vol. 66, page 365): Provided, that said bonds shall not be issued in larger sums than one thousand dollars, and shall not bear a greater rate of interest than eight per cent. per annum, payable semi-annually; and also that said bonds shall not be sold for less than their par value. And the auditor of said county is hereby required to number each bond sold, and to keep a registry of the number and amount of each bond, and the date of sale thereof, and to whom sold, and each bond shall bear interest only from the date of its sale; and said bonds shall be signed by the county commissioners, and countersigned by the auditor of said county.

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SEC. 2. That it shall be the duty of the county commissioners to meet at the court house in said county, on the first Monday after the first regular meeting of said county commissioners after this act has been submitted and ratified, as they may determine, and said commissioners shall organize by appointing the oldest sitting member of the board of county commissioners as chairman, and the auditor of said county shall be clerk, and shall keep a complete record of all proceedings of said county commissioners, which shall be open to public inspection; and said county commissioners shall then proceed and determine the amount of bonds they will issue, one-eighth of which shall fall due in four years, one-eighth in seven years, one-fourth in twelve years, one-fourth in sixteen years, and one-fourth in twenty years, under the restrictions of the first section of this act.

SEC. 3. For the purpose of aiding in the location and construction of said free turnpikes, and the completion of those already located, and keeping the same in repair, and to provide a permanent fund for the redemption of said bonds and the payment of interest on the same, said commissioners shall levy annually a tax for free turnpike purposes of not more than two mills on the dollar of valuation on the grand duplicate of the taxable property of said county, and to continue such levy from year to year until said bonds and interest are fully paid.

SEC. 4. That it is hereby made the duty of the commissioners of said county to submit this act to the legal voters of said Scioto county at the October election in the year 1872, by publishing the same and giving notice in at least two newspapers printed in and of general circulation in said county, for at least sixty days prior to said election, providing there shall be written or printed on each ballot in favor of the adoption of this act the words "turnpike loan, yes," and if a majority of those voting at said election shall vote in favor of this act, then said county commissioners shall carry into effect all the provisions of this act.

SEC. 5. The said county commissioners shall be liable for any violation of the provisions of this act, on their official bonds, and each commissioner shall give bond in the additional sum of ten thousand dollars, with good and sufficient security, for the faithful performance of the duties prescribed by this act.

SEC. 6. If said county commissioners of Scioto county shall be authorized as herein provided to operate under this act, then the commissioners aforesaid, shall levy no tax under the fifth section of the act to which this is amendatory or the act amendatory thereto, passed April 30, 1869. (O. L. vol. 66, page 387.)

SEC. 7. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 19, 1872.

AN ACT

To authorize the Commissioners of Coshocton county, Ohio, to build a jail.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Coshocton county, Ohio, be and they are here-

by authorized to purchase a site and build thereon a jail at the county seat in said county as in their judgment may be deemed the best for the public good, at a cost not exceeding thirty thousand dollars.

SEC. 2. To enable the commissioners of said county to carry into effect the provisions of this act, they are hereby authorized to use in the construction of said jail the moneys heretofore collected in said county for the purpose of building said jail, and in addition thereto, they are hereby authorized to levy a tax in the year 1872 on the taxable property of said county, sufficient to raise any balance required for that purpose, which shall be collected as other taxes are for the year aforesaid.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 19, 1872.

AN ACT

To authorize the Trustees of Scioto township, Delaware county, Ohio, to divide said township so as to create two election precincts.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Scioto township, Delaware county, Ohio, be and they are hereby authorized and empowered to divide said township so as to create two election precincts within said township; one of said election precincts shall as now remain at the village of Ostrander, the other election precinct shall be at the village of Millville within said township.

SEC. 2. The provisions of an act to amend sections one and two of an act to provide for the divisions of townships into election precincts, passed March 4, 1853, and as amended April 2, 1868, (S. & S., 913,) shall be strictly followed and observed by said trustees; and all powers and duties conferred by said act upon county commissioners to act in the premises, are hereby made to apply to the trustees of Scioto township, Delaware county, Ohio, for the purpose aforesaid.

SEC. 3. It shall be the duty of the said trustees after receiving the report of said freeholders to read the same publicly, and there being no remonstrance against said division, to declare said township so divided, and said election precincts established; but if any twelve freeholders, electors of said township, shall remonstrate against said division, then said trustees shall hear and determine the said matters therein, and make such order for or against such division as they may think just and proper.

SEC. 4. This act shall take effect on its passage.

CHARLES H. BABCOCK,
Speaker pro tem of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 19, 1872.

AN ACT

For the relief of the widow and children of Alexander Beall, deceased.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Xenia township, Greene county, Ohio, be and they hereby are authorized to release a judgment on account of suretyship against Sarah Beall, executrix of the last will and testament of Alexander Beall, deceased, in favor of said trustees, for the sum of \$804.94, rendered in the court of common pleas of said county, at the February term thereof, A. D. 1872, and to free the estate of said Alexander Beall, deceased, from all liability on account thereof: Provided, that nothing herein shall be construed as releasing or as authorizing the release of Samuel J. Ridenour, principal, from the payment of such judgment.

SEC. 2. This act shall take effect on its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 20, 1872.

AN ACT

To authorize the commissioners of Montgomery county to transfer, permanently, certain funds herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Montgomery county be, and they are hereby authorized to permanently transfer to the county fund of said county, the several amounts herein named, from other funds, to wit: From the sinking fund, nineteen thousand thirty-eight dollars and thirty cents (\$19,038.30); from the road, bridge and building fund, twenty thousand dollars (\$20,000); from the Children's Home fund, ten thousand dollars (\$10,000); and from the relief fund, nineteen dollars and seventy-six cents (\$19.76), amounting in the aggregate, to forty-nine thousand and fifty-eight dollars and six cents (\$49,058.06).

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 20, 1872.

AN ACT

To authorize the Board of Education of Perry township, Lawrence county, to levy a tax to pay the indebtedness of said township incurred in the erection of school houses.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Perry township, county of Lawrence, in

addition to the other powers of taxation heretofore conferred by law, be and hereby are authorized and empowered to assess on the grand levy of the taxable property of said township, for the years 1872 and 1873, a tax not exceeding four mills on the dollar, to be applied only in liquidating the present indebtedness of said school board incurred in the erection of school houses in said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 20, 1872.

AN ACT

To authorize the trustees of Ohio township, Clermont county, to borrow money for building a Town Hall, and contract with the Masons and Odd Fellows to build on the same for their use.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Ohio township, Clermont county, be and they are hereby authorized and empowered, for the purpose of building a town hall in said township, to borrow such sum as is needed, with the amount heretofore levied, to complete said hall, as heretofore authorized by a vote of the people, and issue bonds bearing eight per cent. interest, in amount to be equal to their annual levy, to be paid annually, till all of said bonds are paid. Said bonds shall be signed by the trustees of said township, and attested by the township clerk.

SEC. 2. That the trustees of said township are hereby authorized to construct said town hall so as to accommodate Buckeye Lodge, No. 150, of F. A. and M., and Mistletoe Lodge, No. —, I. O. O. F., located in said township, with suitable rooms and apartments therein, upon such terms and conditions as to them shall appear equitable and just; and provided, further, that the portion of said hall or building erected and owned by said order or orders, shall be appraised and taxed as other property.

SEC. 3. That when said several parties shall agree upon the terms and conditions in regard to the construction of said town hall, and assignment of the various apartments for their several accommodations, they shall reduce their said agreement to writing, under their hands and seals, the trustees of said township in person, and the said lodge or lodges by the principal officers or trustees thereof, and acknowledge the same before some competent person authorized by law to take the acknowledgment of deeds, and when so executed and acknowledged, they shall cause the same to be entered of record in the recorder's office of said Clermont county, and the same shall thereafter be conclusive evidence of the terms of their respective agreement and the right of said parties.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 20, 1872.

AN ACT

To authorize the Trustees of Harrison township, Preble county, to levy a tax for bridge purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Harrison township, in said county, be and they are hereby authorized to levy a tax not exceeding three thousand dollars (\$3000), on the taxable property within the limits of said township, to assist in building a bridge across Twin creek, east of the village of Euphemia, where the national road crosses said creek in said township. And said trustees shall certify the amount, not exceeding three thousand dollars (\$3000,) to the county auditor, who shall place the same on the tax duplicate for said township, to be collected as other taxes, and paid over to the proper township officers, to be expended for the purpose for which it was created: Provided, that no such levy shall be made until a majority of the legal voters of such township, voting at some general or special election, shall have voted in favor of said tax, and at least ten days notice of the same having been given by said trustees.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To create two separate Election Precincts in Plymouth township, Richland county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That sections two, one, six, five, eleven, twelve, seven and eight, in the township of Plymouth, in the county of Richland and state of Ohio, be and the same shall constitute a separate election precinct in said township, and that the remaining portion of the territory composing said township, shall constitute another separate election precinct within said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

- To authorize the Board of Education of separate school district No. two, in the county of Pike, and state of Ohio, to issue bonds to raise money to pay an existing debt, incurred in procuring a site and erecting a school house, in said separate school district number two, and to levy a tax to pay said bonds and the interest thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of separate school district number two, Pike county, Ohio, be and it is hereby authorized to issue bonds to an amount not exceeding eighteen thousand dollars, to raise money to pay a debt incurred in procuring a site and building a school house, in the town of Waverly, in said separate school district, said bonds to be signed by the president and clerk of said board of education, and to be in sums of not less than one hundred dollars, nor more than five hundred dollars each, bearing interest at a rate not to exceed eight per cent. per annum, payable annually; and the principal of said bonds may be paid at any time not exceeding six years from the time of issuing the same, at the discretion of said board: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said board of education is hereby authorized and required to levy a tax annually on all the property liable to be taxed for said purpose, and certify the tax so levied to the auditor of Pike county, who shall place the same upon the duplicate, and be collected as other school taxes, and paid to the treasurer of the incorporated village of Waverly, to be expended for the purpose for which it was levied: Provided, that said levy shall not in any one year exceed the rate of six mills to the dollar upon the valuation of the taxable property in said separate school district number two.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

- To authorize the trustees of the incorporated village of Troy, Ohio to convert the Public Square in said village into a Public Park.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the incorporated village of Troy, Miami county, Ohio, be and they are hereby authorized to convert what is known as the "Public Square," in said village, into a public park.

SEC. 2. That for the purpose of defraying any expense which may be incurred by the said village in the conversion of said public square into a public park, the trustees of said incorporated village of Troy are here-

by authorized and empowered to levy such tax as is now established by law for the purpose of inclosing, improving, embellishing or enlarging grounds for public parks: Provided, that before making such change or such levy, the trustees of said village of Troy, Ohio, shall submit to the electors of said incorporated village, at a special election held for that purpose, the question as to the expediency of making such change and levy, and of which said election, notice shall be given as required by law for the special election of municipal officers.

SEC. 3. At said election the said electors shall have written or printed, or partly written or printed on their ballots the words, "For Public Park—Yes," or "For Public Park—No;" and if a majority of all the electors of said incorporated village of Troy, voting at said election upon the question, shall vote "For Public Park—Yes," this act shall thereupon be considered and holden to have been adopted by such majority.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To amend an act to authorize the Commissioners of Butler county to borrow money on the bonds of the county, and to secure the payment of money due to it, passed April 12, 1870. [O. L., Vol. 67, page 188.]

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That section one of the above named act be so amended as to read as follows:

Section 1. That the commissioners of the county of Butler be and they are hereby authorized to issue the bonds of said county bearing a rate of interest not to exceed eight per cent. per annum, and to dispose of the same from time to time, at not less than their par value, and in such amounts as may be necessary to discharge the existing liabilities of the said county, and to defray its current expenses: Provided, that the aggregate amount of such bonds, including those issued under the act of which this is amendatory, shall not exceed one hundred thousand dollars.

SEC. 2. That section one of the original act be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To authorize the township trustees of Huntington township, Ross county, to borrow money and levy an additional tax to pay an existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Huntington township, in the county of Ross, be and they are hereby authorized to borrow the sum of five hundred dollars, and issue the bonds of the township therefor, the same to be payable in one year from the date of issue, and to bear a rate of interest not to exceed eight per cent. per annum; said bonds to be sold for not less than their par value. The money so raised to be applied to the payment of the indebtedness of said township.

SEC. 2. That for the purpose of redeeming said bonds when due, said trustees are hereby authorized to levy a tax upon the taxable property of said township, in excess of that now authorized by law, for the year 1873, sufficient to raise the amount of five hundred dollars.

SEC. 3. This act shall take effect upon its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To authorize the city of Warren to erect water works, borrow money, and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Warren, in the county of Trumbull, be and they are hereby authorized to borrow the sum of eighty thousand dollars for the purpose of erecting water works for the use of said city and the inhabitants thereof.

SEC. 2. That for the purpose aforesaid, the city council are hereby authorized and empowered to issue bonds, to be signed by the mayor and attested by the clerk of the council, in sums not less than fifty nor more than five hundred dollars, bearing a rate of interest not exceeding eight per cent. per annum, and payable at such time or times not exceeding fifteen years, as the council may determine: Provided, said bonds shall not be sold for less than their par value.

SEC. 3. That said city council are hereby authorized and empowered to levy a tax annually on all the taxable property of said city, sufficient to pay the accruing interest on said bonds, and to provide a sinking fund for the payment of said bonds as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county, and shall be collected as are other taxes.

SEC. 4. That said council shall, at any time they may deem best after the taking effect of this act, but before the issue of said bonds, or the levy of said tax authorized by this act, call a special election in said city

upon publishing a special notice thereof in each of the newspapers published in said city for two weeks preceding such election, and making proclamation of said election by the mayor for at least two weeks next preceding the time of calling the same, which election shall be conducted by the same officers and in the same manner as now provided by law for elections of officers of said city, at which the question of the erection of water works shall be submitted to the qualified electors of said city, by ballot, in the following manner: Each ballot shall have printed or written on it either the words, "Water Works—Yes," or "Water Works—No;" and in case a majority of the electors voting at said election shall vote, "Water Works—Yes," then said council shall proceed to borrow such portion of the sum authorized by this act as they may deem necessary, and erect said water works, and proceed as herein directed, otherwise no such bonds shall be issued or tax levied.

SEC. 5. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 23, 1872.

AN ACT

To authorize the commissioners of Clinton county, Ohio, to grant the right of way to the Southern Railroad Company through the infirmary farm of said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Clinton county, Ohio, be and they are hereby authorized to grant to the Southern Ohio Railroad Company the right of way through the infirmary farm of said county, on such terms and conditions as said commissioners may see fit to make with said company.

SEC. 2. This act shall take effect from its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 25, 1872.

AN ACT

To authorize the trustees of Franklin township, Clermont county, to purchase lot and building for Township Hall.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Franklin township, Clermont county, be and they are hereby authorized to borrow twenty-five hundred dollars for the pur-

pose of purchasing a lot and building thereon for township hall, and to issue bonds for that sum, bearing interest at six per cent. per annum from date, said bonds not to be of less amount than fifty dollars, to be paid as follows: One-fifth in the year 1873, one-fifth in the year 1874, one-fifth in the year 1875, one-fifth in the year 1876, and one-fifth in the year 1877; said bonds shall be signed by the trustees and clerk of said township, and shall not be sold for less than their par value.

SEC. 2. That before any tax shall be levied for the payment of said bonds, the trustees shall first submit the question of tax or no tax to the qualified electors of the township, at a general or special election, having given at least twenty days' notice of the same in at least one newspaper printed in said county, and also by putting up posters in three public places in said township, which notice shall state the amount to be raised and for what purpose.

SEC. 3. The electors voting at said election shall have written or printed upon their ballots the words, "Tax for township, building and lot—Yes;" or "Tax for township, building and lot—No;" and if a majority of all the electors voting at said election upon the question submitted, shall [vote] "Tax—Yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 25, 1872.

AN ACT

To authorize the Council of St. Paul's Evangelical Lutheran Congregation and their successors to convey to the trustees of said congregation title to realty held by them in trust for said congregation.

WHEREAS, The Council of St. Paul's Evangelical Lutheran Congregation, New Comerstown, Ohio, did, on the 20th day of January, 1869, convey, in fee simple, to John W. Rodney and his heirs, a small tract of land containing seven one-hundredths of an acre, with all its appurtenances; and

WHEREAS, It has since been ascertained that said council had no legal power to convey realty, but that they did in good faith sell and receive payment therefor; and

WHEREAS, The said council did also in good faith agree upon a lease of a hall in the building owned by said congregation to the Lone Star Lodge, Free and Accepted Masons; and

WHEREAS, It has since been ascertained that said council had no power to make a valid lease thereof; and

WHEREAS, The said congregation have since elected trustees, three in number, out of the council of four, and for the purpose of conveying realty under the provisions of an act passed May 1, 1852, entitled an act

to provide for the creation and regulation of incorporated companies in the state of Ohio and the acts amendatory thereto; therefore,

SECTION 1. *Be enacted by the General Assembly of the State of Ohio,* That Jesse A. Wiandt, Reuben R. Wiandt, John Wilson, Chauncy F. Hicks and their successors, council as aforesaid, be and hereby are authorized to convey to Jesse A. Wiandt, Reuben R. Wiandt and John Wilson, trustees as aforesaid, all title to realty held by said council in trust for said congregation.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 25, 1872.

AN ACT

To authorize the Board of Education of the city of Portsmouth, Wayne township, Scioto county, Ohio, to borrow money and issue bonds to build a school house in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the city of Portsmouth, Wayne township, Scioto county, Ohio, be and they are hereby authorized to borrow money, not to exceed in amount the sum of twenty thousand dollars, for the purpose of erecting a school house in said township.

SEC. 2. That for the purpose aforesaid, the said board are hereby authorized and empowered to issue bonds, to be signed by the president and attested by the secretary of said board, in sums not less than one hundred dollars, nor more than one thousand dollars each, bearing interest at a rate not exceeding eight per cent. per annum; said bonds to be payable at any time within four years: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. The said board of education are hereby empowered to levy a tax, annually, on all the taxable property of said township, sufficient to pay said bonds, together with the interest thereon, as they shall fall due, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 25, 1872.

AN ACT

To authorize the trustees of Oxford township, Tuscarawas county, Ohio, to sell railroad stock, and appropriate proceeds to the construction of a bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Oxford township, Tuscarawas county, Ohio, be and they are hereby authorized to appropriate any funds in the treasury at this time, or that may hereafter be paid into the treasury of said township, arising from the sale of the capital stock of the Steubenville and Indiana railroad company, held by said township, to the construction of a bridge across the Tuscarawas river, at or near the village of New Comerstown, in said township.

SEC. 2. This act shall take effect on and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 25, 1872.

AN ACT

To authorize the council of the incorporated village of Bellaire city to issue bonds to enable them to build Water Works.

WHEREAS, The village council of Bellaire city, by resolution, directed an election to be held in said village, to take the sense of the qualified voters upon the question of the construction of water works for said village, at a cost not exceeding one hundred thousand dollars; and

WHEREAS, A very large majority of the qualified voters cast at said election were in favor of the erection of water works for said village; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the village council of the village of Bellaire city are hereby authorized and empowered to contract for and construct water works for said village, with the necessary water pipes, reservoirs, fire plugs and machinery, and to issue the bonds of the said village in such sums or denominations, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, and in such amount in the aggregate as shall be found necessary to meet the expenses of said water works and no more: Provided, such aggregate amount of said bonds shall not exceed the sum of one hundred thousand dollars, and that said bonds shall not be sold at less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said council is hereby authorized and empowered to levy on the taxable property of the said village of Bellaire city such an amount, not exceeding one and a half of one per centum annually, as will be sufficient to pay the principal and interest of

the debt as the same may fall due; and the money so raised shall not be used for any other purpose: Provided, that no bonds shall be issued or tax levied under this act until the question of the construction of such water works and levy of said tax shall have been submitted to a vote of the qualified electors of said village of Bellaire city, at a special election to be proclaimed by the mayor of said village, of which election not less than twenty days' notice shall previously be given in one or more newspapers printed and published in said village, and not until a majority of the electors voting at said election shall have voted in favor of the construction of such water works.

SEC. 3. This act to take effect on and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 26, 1872.

AN ACT

To authorize the Presbyterian Church of Northfield, in the county of Summit, in the state of Ohio, to sell cemetery grounds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the Northfield Presbyterian Church, in the county of Summit, are hereby authorized and empowered to sell and convey, by deed, the parcel of ground situate in lot No. 65, in Northfield township, in the county of Summit, and heretofore used as a cemetery, and apply the proceeds of said sale to defray the expense of transferring the bodies therein interred to the township cemetery: Provided, that such sale shall not operate to give the purchaser thereof possession of the same until the bodies therein interred shall have been removed from such cemetery, and all monuments and tombstones be removed and re-erected at the place of re-interment of the remains of such persons respectively.

SEC. 2. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 26, 1872.

AN ACT

To authorize the council of the village of Aberdeen, Brown county, Ohio, to levy a tax to pay the debts of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the village of Aberdeen, Brown county, Ohio, be

and they are hereby authorized to levy a tax not to exceed five hundred dollars, on the real and personal property in the limits of said village to pay the debts of said village.

SEC. 2. - This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 26, 1872.

AN ACT

To authorize the trustees of Independence township, Cuyahoga county, Ohio, to levy a tax to construct a vault or receptacle for the dead.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Independence township, Cuyahoga county, Ohio, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided, for the purpose of constructing a vault or receptacle for the dead for the use of said township. The said vault or receptacle for the dead, to be under the control of said trustees, or some person appointed by them: Provided, that the trustees shall first submit the question of tax, or no tax, for the above named purpose, to the qualified electors of said township at a general election, having given at least ten days' (10) notice of the same in at least three public places in the aforesaid township, which notice shall state the amount to be raised and for what purpose.

SEC. 2. The electors voting at said election shall have written or printed upon their ballots the words: Tax—Yes, or Tax—No; and if a majority of all the electors voting at said election upon the question submitted shall vote, "Tax—Yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 26, 1872.

AN ACT

To authorize the county commissioners of Stark county to borrow money for ditching purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Stark county be and they are hereby authorized to issue the bonds of said county to an amount not exceeding eight thousand dollars, to raise money for ditching purposes, and for no other purpose; said bonds to be signed by said county commissioners, and countersigned by the auditor of said county, whose duty it shall be to keep a record showing the number, amount, and date of each bond, the time when it will be payable, the person to whom sold, and the amount received therefor; said bonds shall be in sums of not less than one hundred dollars nor more than five hundred dollars each, bearing interest at a rate not to exceed eight per centum per annum, payable annually, and the principal of said bonds may be made payable at any time not exceeding two years from the time of issuing the same, at the discretion of said commissioners: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. It shall be lawful for said county commissioners to expend the money which by the preceding section of this act they are authorized to borrow, for ditching purposes, in anticipation of the amounts to be assessed, levied and collected as is provided by law, upon the owners of land adjacent to any ditches in said Stark county.

SEC. 3. This act shall be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 26, 1872.

AN ACT

For the relief of Daniel T. Enyart, treasurer of Hanover township, Licking county, Ohio.

WHEREAS, The dwelling house of Daniel T. Enyart, treasurer of Hanover township, Licking county, Ohio, was burglariously entered on the 13th day of April, A. D. 1871, and the bureau containing the money belonging to said township was broken open and the sum of fifteen hundred and eighty dollars of said money was stolen therefrom, which sum so stolen has been paid by said treasurer to said township; and

WHEREAS, One hundred and eighty-two tax-payers of said Hanover township, being a majority of the citizens of said township, by their petition to this general assembly, represent that said robbery was not due to any fault or negligence on the part of said Daniel T. Enyart, and ask that sum be refunded to him; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Hanover township, Licking county, Ohio, be and they are hereby authorized to cause to be levied upon the taxable property of said township, a tax sufficient in amount to refund to said

Daniel T. Enyart the sum of fifteen hundred and eighty dollars, the sum so as aforesaid stolen from him: Provided, however, that said trustees shall not cause said levy to be made until a majority of the electors of said township, at some regular election, shall vote in favor of said levy.

SEC. 2. This act to take effect upon its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the holding of a special election in the incorporated village of Caldwell, Noble county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the qualified electors of the incorporated village of Caldwell, in the county of Noble, be and they are hereby authorized to hold an election in said village, on Monday, the 20th day of May, 1872, for the purpose of electing for said incorporated village, one mayor, one clerk, one treasurer, one marshal, and six members of council.

SEC. 2. It shall be the duty of the trustees of said village to give at least ten days notice of the time of holding said election, by written or printed notices, posted in at least three public places in said village; and said election shall be conducted in all respects in the manner provided by law, for conducting elections in cases where villages incorporated for special purposes, are advanced to the grade of incorporated villages.

SEC. 3. The terms of office of the officers elected at said election, shall expire at the same time, respectively, that they would had said officers been elected on the first Monday of April, 1872.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the board of education of the township of Monroe, county of Guernsey, Ohio, to levy a special tax to pay an existing debt.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of Monroe, county of Guernsey, Ohio, be and it is hereby authorized to levy a special tax, (in addition

to the tax now authorized by law,) upon all the taxable property in said township, the amount not exceeding in the aggregate eighteen hundred dollars (\$1800), for the purpose of enabling said board to liquidate and pay its existing indebtedness.

SEC. 2. This act shall take effect and be in force on and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To extend the time for payment of lots numbered three (3), four (4), five (5), and six (6), in section sixteen (16), township five (5), Range four (4), East, &c., in Montgomery county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That a further period of five years from the sixth day of March, 1872, be and is hereby given to the purchase of lots numbered three (3), four (4), five (5), and six (6), of school lands in section sixteen (16), township five (5), range four (4), east, in Montgomery county, Ohio, embracing three hundred and twenty $1\frac{1}{2}$ acres, for the payment of the principal of the purchase money thereof not yet paid: Provided, that the interest and taxes thereon shall be paid punctually according to law, and that the auditor of said county shall require additional security for the payment of the principal and interest, if in his opinion the public interest may require it.

SEC. 2. That the said purchaser may, at any time after the passage of this act, elect to have the purchase money which has been paid on said lots, applied and credited on any one or more of said lots, so as to make full and final payment on any one or more of said lots: Provided, that such election and application shall not leave unpaid on the remaining lot or lots more than two-thirds ($\frac{2}{3}$) of the purchase money thereof.

SEC. 3. This act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the city council of the city of Hamilton to fill up a part of the Canal Basin in said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the city council of the city of Hamilton, is hereby authorized to fill up so much of the canal basin in said city as lies west of the line where Eleventh street, as laid out on the south side of said basin, would cross the same if extended: Provided, that said measure shall be approved by a two-thirds of the voters of said city; provided, also, that the said city

council shall first procure the written consent of the lessees of the public works of this state to the filling up of said basin, and a release from said lessees of all claim for damages from the state on account of such filling up.

SEC. 2. That the said city council shall provide that a vote shall be taken of the qualified electors of said city for and against said proposed filling up of the canal basin, at any time, of which ten days' previous public notice shall be given; and if a two-thirds of votes shall be cast in the affirmative, at any of said elections, the city council shall be authorized to execute the said work: Provided, however, the said city of Hamilton shall be liable for all damages to property which may be occasioned thereby, to be ascertained as hereinafter provided.

SEC. 3. That the city council shall give thirty days' notice of their determination to fill up said basin, by publication in at least two public newspapers published and of a general circulation in said county; and any person or persons claiming damages, by reason of the proposed filling up of said canal basin, shall, within thirty days after it shall have been decided by the vote aforesaid that the same shall be so filled up, and after the publication of said notices for thirty days as aforesaid, present to the said city council a written application setting forth distinctly the grounds upon which such damages are claimed and the amount thereof.

SEC. 4. That on the application of the said city council, the judge of the court of common pleas of Butler county shall appoint three judicious disinterested freeholders of said county, who shall be commissioners whose duty it shall be to ascertain and determine the amount of damages, if any, which each claimant may be subjected to by reason of said improvement. Said commissioners shall be first duly sworn faithfully and impartially to discharge the duties of their office; they shall examine such witnesses, under oath, as either the claimant or said city council may call before them; and they shall make personal examination of the premises alleged to be damaged or rendered less valuable; and they shall, within one month after their appointment, make to the said city council a written report of their conclusions in each case; and the said city of Hamilton shall be held liable to pay to each claimant the amount which the said majority of commissioners may so assess.

SEC. 5. That the city or any claimant of damages may appeal from the decision of said commissioners to the court of common pleas of said county, which appeal shall be effected by the appellant, within ten days after the filing of such report with the city clerk, giving to the opposite party an undertaking, with sureties, to be approved by the clerk of said court, in the sum of two hundred dollars, conditioned to pay all costs that may be by said court awarded against such appellant on such appeal; and on filing such undertaking with the clerk of said court, and notice thereof being given to said city clerk, the said city clerk shall forthwith make and certify to said court a copy of so much of said report as relates to such claim; and said court shall, as early as practicable, hear and determine the question between the parties, without further pleadings, either party being entitled to have the question of damages submitted to trial, by jury, on such appeal; and the costs incurred on such appeal shall be by the court assessed as equity may require.

SEC. 6. This act shall take effect from its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27th, 1872.

AN ACT

To authorize the county auditor of Clinton county, Ohio, to apportion the balance of assessment made on road improvement No. 4. of said county, ratably among those who have paid such assessment,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county auditor of Clinton county, be and he is hereby required to apportion the balance of assessment made for the construction and improvement of what is known as road improvement No. 4, remaining in the county treasury of said county, ratably among all persons who have paid such assessments, and on the demand of any such person or his legal representative, to draw an order in his favor on the county treasurer for the amount so found to be due him.

SEC. 2. This act shall take effect from its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the Board of Education of the separate school district of Hilliard, Franklin county, Ohio, to levy a tax to pay an existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the separate school district of Hilliard, Franklin county, Ohio, are hereby authorized and empowered to levy a tax on all the taxable property of said school district, for an amount not exceeding five hundred dollars, in the year 1872, in addition to other taxes now authorized by law, for the purpose of paying an existing indebtedness, which levy shall be placed on the tax duplicate by the auditor of said county and collected as other taxes: Provided, that before said board of education shall levy the tax herein authorized, the question of making such levy shall be submitted to the qualified electors of said special school district, at some special or general election, and a majority of the electors vote therefor.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize New Paris and vicinity, in the township of Jefferson, Preble county, to elect trustees for the New Paris meeting house and property belonging thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the citizens of New Paris and vicinity, in the township of Jefferson, Preble county, be and they are hereby authorized to elect trustees to fill any vacancy or vacancies that now exists or may occur in their number, as fixed in said original grant, whenever and as often as a vacancy may occur, on giving ten days' notice by posting up in five of the most public places in the village of New Paris aforesaid and vicinity, written notices signed by any five of said citizens, showing the time and place of such election. Each person receiving a majority of all the votes cast at any such election, shall be and is hereby vested with the same rights and authorized to discharge the same duties as a trustee mentioned in the original grant.

SEC. 2. This act shall be in force and take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the Town Council of the incorporated village of West Liberty, Logan county, Ohio, to transfer seven hundred and thirty-nine dollars and eight cents (\$739.08) from the "Town Hall Fund" to the "Cemetery Fund" of said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the town council of the incorporated village of West Liberty, in Logan county, Ohio, be and they are hereby authorized to transfer permanently seven hundred and thirty-nine dollars and eight cents from the "town hall fund" of said village to the "cemetery fund" thereof.

SEC. 2. This act shall be in force and take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the board of education of the township of Newburgh Cuyahoga county, Ohio, to issue bonds to obtain money to pay the existing debt of said school district and levy a tax to pay said bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the school district of Newburgh, Cuyahoga county, Ohio, be and they are hereby authorized to issue bonds not exceeding in amount nine thousand dollars, to raise money to pay an existing debt, incurred in the erection and construction of school buildings in said school district, said bonds to be signed by the president and secretary or clerk of said board of education, and to be in sums of not less than fifty dollars nor more than five hundred dollars, each bearing interest at a rate not exceeding eight per cent. per annum, the principal and interest of said bonds to be payable as said board of education may direct, not exceeding three years from the time of issuing the same: Provided, the said bonds shall not be sold for less than their par value.

SEC. 2. That for the purpose of paying said bonds and the interest thereon, as the same shall become due, the said board of education is hereby authorized and empowered to levy a tax on the taxable property of said school district of Newburgh, Cuyahoga county, Ohio, in such amounts annually, commencing in the year 1872, as will be sufficient to pay the principal and interest of said bonds as they may become due in each year, as said board of education shall determine, and the money so raised shall not be used for any other purpose than to pay said bonds or debt and interest thereon.

SEC. 3. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the board of commissioners of Hamilton county to transfer moneys from the building fund to the general county fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of commissioners of Hamilton county be, and they are hereby authorized to transfer permanently five-sixth of the amount raised by the levy of June, 1871, for building fund, to the general county fund.

SEC. 2. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To transfer the control of the high school building of Chatham township, Medina county, to the control of the trustees of said township, for school and township purposes.

WHEREAS, The board of education of Chatham township, Medina county, Ohio, in the management of the high school building of said township, have failed to manage and control said building in the interests of the people of said township for school purposes and otherwise ; and

WHEREAS, Feuds and contentions have arisen between said board of education, and the people of said township, and which has given rise to much litigation, and promises still more in the future ; and

WHEREAS, It is manifestly clear, that it is the desire of the majority of the tax paying electors, that the control of said high school building be transferred from the board of education to the board of trustees of Chatham township ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the control of the high school building, of Chatham township, Medina county, be and the same is hereby transferred from the board of education, to the control of the trustees of said township, for school and township purposes.

SEC. 2. This act shall take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To change the name of Genoa, Pickaway county, Ohio, to Commercial Point.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the name of the incorporated village of Genoa, in Pickaway county, Ohio, be and the same is hereby changed to Commercial Point.

SEC. 2. This act shall take effect from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the Board of Education of the township of Adams, Lucas county, to levy a special tax to build school houses, and pay an existing indebtedness.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the township of Adams, Lucas county, be and they are hereby authorized to levy a tax of twenty-five hundred dollars upon the taxable property of said township; one-half to be levied in the year 1872, and the other in the year 1873, for the purpose of building two school houses in said township, and to pay an existing indebtedness, and to certify the same to the county auditor of said county, which shall be collected as other taxes are, and paid over to the proper officers of said township.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the trustees of Brecksville township, Cuyahoga county, Ohio, to transfer funds from the treasury for Township and Poor purposes, to the Road Fund of said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Brecksville township, Cuyahoga county, Ohio, are hereby authorized to transfer three hundred dollars from the township and poor fund, to the road fund of said township.

SEC. 2. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the board of education of the incorporated village of Celina, in the county of Mercer, to borrow money and issue bonds to build a school house or build additions to the school house in said village.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the incorporated village of Celina and

territory thereto annexed for school purposes, in the county of Mercer, be and they are hereby authorized to build a school house in said village or build additions to the school house now therein, as in their judgment may be deemed most for the public good, at a cost not exceeding fifteen thousand dollars.

SEC. 2. That said board of education shall have power to issue bonds of said village and territory thereto annexed for school purposes, for sums not less than one hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, payable annually, and conditioned to be paid at such times and in such proportions as said board of education may stipulate therein, but redeemable at the pleasure of said board, in the aggregate not to exceed fifteen thousand dollars: Provided, said bonds shall not be disposed of for less than their par value; said bonds to be signed by the president of said board and countersigned by the secretary, who shall also keep a record of the same.

SEC. 3. That said board of education is hereby authorized whenever it shall in their opinion become necessary, to levy a tax to pay said bonds or the interest thereon, to certify that fact to the auditor of said Mercer county, and said auditor shall cause such sum so certified by said boards to be necessary, to be levied upon the taxable property of said village and the territory thereto annexed for school purposes, and the same shall be collected as other school taxes are or may be, and paid to the treasurer or other proper officer of said board.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

For the relief of Mrs. S. D. Gibson.

WHEREAS, In the year 1861, Cyrus Gibson, a citizen of Meigs county, Ohio, was the owner of certain property, consisting in part of bedding, chairs, queensware, etc., being a complete hotel outfit, which was stored in a room or rooms of an unoccupied hotel; and

WHEREAS, In April, 1861, by authority of the then governor of Ohio, two companies of troops were recruited, and for want of a better place were quartered in said unoccupied hotel; and

WHEREAS, Said troops broke open the room or rooms in which said furniture, the property of the said Cyrus Gibson, was stored, and to a great extent destroyed the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of state be and he is hereby authorized and directed to draw his warrant on the treasurer of state for seven hundred and twenty

(\$720) dollars in favor of Mrs. S. D. Gibson, widow of the late Cyrus Gibson.

SEC. 2. This act shall take effect on and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MÜELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the town council of the incorporated village of Crestline, Crawford county, Ohio, to issue bonds for Water Works.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That to enable the town council of the incorporated village of Crestline, in the county of Crawford, Ohio, to procure the right of way for and to construct water works, the said town council of the incorporated village of Crestline be, and it is hereby authorized and empowered to issue, from time to time, the bonds of said incorporated village, signed and sealed by the mayor and clerk of said incorporated village, in sums of not less than one hundred dollars nor more than one thousand dollars each, bearing interest at a rate not exceeding eight per centum per annum, payable semi-annually, for an amount not exceeding in the aggregate the sum of sixty thousand dollars, running for such lengths of time as may be deemed proper, not exceeding twenty years: Provided, that said council shall not issue said bonds until they have secured the right of way, and settled, or made satisfactory arrangements for said settlement, of any and all damage that may accrue to person or property by reason of the construction of said water works.

SEC. 2. Said bonds shall be designated "Crestline water works bonds," and may, in the discretion of the council of said village, have interest coupons attached; and said bonds shall be sold, under the direction of the trustees of water works, at not less than par, and the proceeds shall be applied exclusively to the above named purposes.

SEC. 3. That for the purpose of paying the said bonds and interest, as the same shall become due, the town council of said incorporated village of Crestline, is hereby authorized and empowered to levy on the taxable property of said incorporated village, such an amount, annually, as will be sufficient to pay the principal of the debt that shall fall due each year, and also the interest falling due semi-annually, on all of the bonds so issued.

SEC. 4. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the commissioners of Fulton county to receive bequests, donations and gifts, and to erect monuments to the memory of the soldiers of said county who died or were killed in the war of 1861, and to levy taxes therefor when authorized by a vote of the county.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful for the commissioners of Fulton county to receive bequests, donations and gifts, for the purpose of erecting a monument in memory of her soldiers who died or were killed during the war of eighteen hundred and sixty-one.

SEC. 2. That whenever in the opinion of the board of commissioners the bequests, donations or gifts received by them are sufficient to erect such monument as aforesaid, they are hereby authorized to proceed with the erection of such monument.

SEC. 3. That in case there shall not be a sufficient amount raised by donations, bequests or gifts for the purpose aforesaid, the commissioners of the county are hereby authorized to submit it to the qualified voters of their county at the spring or fall election of eighteen hundred and seventy-two, or at any spring or fall election thereafter, by giving thirty days' public notice by advertisement in one or more newspapers of general circulation in said county, at least thirty days previous to said election, whether a tax, not to exceed one mill on the dollar, shall be levied by the commissioners of said county, annually, until said monument shall be completed, specifying in such notice the amount proposed to be raised by such levy, and if it shall appear that a majority of all the votes cast were in favor of said levy, then the commissioners shall proceed, without delay, to make said levy and erect said monument.

SEC. 4. That when a vote shall be taken as prescribed by section three of this act, each and every elector so voting shall have written or printed on his ballot, before depositing the same in the ballot box, the words: "Monument Tax—Yes," or "Monument Tax—No."

SEC. 5. And the judges of elections in every township, ward or voting precinct, shall count said votes and certify the same to the clerk of the court of common pleas of the county, in the same manner as prescribed by law for certifying the poll-books of annual elections.

SEC. 6. If, on counting the votes by the clerk of the court, it shall be found that a majority of said votes were in favor of a tax, it shall then be the duty of the commissioners of the county to appoint, within thirty days, not more than three resident freeholders of the county, whose duty it shall be take charge of and erect said monument, without compensation for services rendered.

SEC. 7. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the school board of Lemon township, Butler county, Ohio, to issue bonds to obtain money to erect school buildings in said township.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of Lemon township, Butler county, Ohio, be and they are hereby authorized to issue bonds not exceeding in amount twenty thousand dollars, to raise money to erect school buildings in said township, said bonds to be signed by the president and secretary or clerk of said board of education, and to be in sums of not less than fifty nor more than five hundred dollars each, bearing interest at a rate not exceeding eight per cent. per annum, the principal and interest of said bonds to be payable as said board of education may direct, not exceeding five years from the time of issuing the same: Provided, that said bonds shall not be sold for less than their par value.

SEC. 2. This act shall take effect on its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the commissioners of Ottawa county, to levy a tax to improve the navigation of the Portage river.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the county commissioners of Ottawa county, in this state, be and hereby are authorized to levy an additional tax upon the taxable property of said county, at their June session in the years 1872 and 1873, not to exceed the sum of one mill on the dollar, for the purpose of completing the improvement of the channel of the Portage river, in said county, by removing bars at the mouth of said river, near the town of Port Clinton.

SEC. 2. That the money so raised shall be expended by said county commissioners, as the same may be needed for the purposes aforesaid, and shall not be used for any other purpose.

SEC. 3. This act shall be in full force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To authorize the trustees of Willoughby township, Lake county, Ohio, to buy a site and build a Town Hall thereon, and to levy a tax for that purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of said Willoughby township are hereby authorized to sell the land belonging to said township, with all the appurtenances belonging thereto, whereon the old town hall stands, and to purchase a new site in the village of Willoughby, and erect thereon a town hall with suitable rooms and apartments therein, for holding elections and meetings of the officers of said township and of said village, at a cost not to exceed fifteen thousand dollars for building and site.

SEC. 2. That when the trustees of said township and the council of said village, shall agree upon the terms and conditions for the assignment and control of the various apartments of said town hall, for their several accommodations, they shall reduce their said agreement to writing, under their hands and seals, and cause the same to be entered upon both the township and the village records, and the same shall be conclusive evidence of the terms of their said agreement and the rights of said parties.

SEC. 3. That for the purpose mentioned in the first section of this act, the trustees are hereby authorized to issue bonds of said township, bearing interest not exceeding eight per cent. per annum, and payable not to exceed five years from date, and such bonds shall not be sold for less than par.

SEC. 4. To meet the payment of said bonds and interest, as the same become due, a tax upon all the property subject to taxation in said township, shall be levied and collected each year, not exceeding four mills on the dollar.

SEC. 5. This act shall be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 27, 1872.

AN ACT

To amend "An act to provide for draining certain ponds in the county of Butler," passed March 2, 1838, and the act amendatory thereto, passed March 12, 1889, and the act further amendatory thereto, passed February 18, 1845, and to extend the provisions of said act to the county of Hamilton, as further amended April 20, 1871. (O. L., vol. 68, p. 168.)

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That for the purpose of more effectually draining the lands referred to in the original act, to which this is amendatory, and the lands adjacent thereto in the counties of Hamilton and Butler, that the commissioners

of Butler county be and they are hereby authorized, whenever the same is demanded by or will be conducive to the public health, convenience, or welfare, to extend the present main drain constructed under said act, from the present terminus southward in or near the bed of Mill creek, to the line of Hamilton county, and to construct all necessary side drains; and that the commissioners of Hamilton county be and they are hereby authorized to extend the said drain southward in or near the bed of Mill creek, in Sycamore township, in the county of Hamilton, to the junction of the east and west fork of Mill creek, with the necessary side drains; the said drains to be of such depth and width as may be determined by said commissioners jointly.

SEC. 2. That the commissioners of each county shall appoint two suitable freeholders of their respective counties, who shall proceed before the first Monday of September next, to make an estimate in their respective counties of the increase in value of the several tracts of land covered by said ponds and stagnant water, and of the lands adjacent thereto, and that will be benefited by said drains; and in making said estimate said freeholders shall take into consideration the advantages which would be gained by each tract of land by the construction of such drains; said freeholders shall within the time above stated, or as soon thereafter as practicable, under oath, make a report to their respective county commissioners, showing a statement of each tract, with the name of the owners and of the estimate of said increased value: Provided, that no land shall be included in said report which is not within two and one-half miles of said drains, or within the same distance of the present drain.

SEC. 3. That if the owners of any tract of land shall be dissatisfied with the estimate of said freeholders, he shall within twenty days after the same is filed, apply to the commissioners of said county where said land lies, who shall have power to examine into the matter, and to reduce or increase the amount of said estimate, or strike out or add any tract improperly included or omitted therein.

SEC. 4. That the commissioners of each county shall at their regular sessions in June in each year, so long as it may be necessary, levy upon each tract included in said report as modified by the commissioners, such per centum upon the estimate as aforesaid, as will be sufficient to fully complete said drain, and that the per centum levied as aforesaid shall be added to the duplicate of state and county taxes, and collected by the treasurers of the counties of Butler and Hamilton respectively, in the same manner that state and county taxes are by law required to be collected.

SEC. 5. That the commissioners of the counties of Butler and Hamilton shall jointly employ a suitable engineer, whose duty it shall be to assist said commissioners in locating and determining the dimensions of said drains, and whose duty it shall be to superintend said work and to make estimates thereof.

SEC. 6. That the money collected as aforesaid shall be expended in paying the expenses of said engineer and other expenses incident to said work, and in paying for the completion of said drains. No money shall be paid out except upon the certificate of the engineer. The work shall be divided into suitable sections by the engineer, and shall be let at public lettings to the lowest responsible bidder, who shall enter into bond, with satisfactory security to the commissioners, conditioned for the faithful performance of his contract.

SEC. 7. It shall be the duty of the several persons upon whose lands the main drain and its several branches which have been heretofore or

may hereafter be constructed, and also the main drain herein provided to be extended, to keep the same and the banks thereof free from logs, brush, timber and undergrowth, and if they shall fail so to do after reasonable notice from the commissioners of the county, the same shall be removed under the directions of said commissioners, and the cost and expense incident thereto shall be assessed against said tracts of land respectively, and placed upon the duplicate of state and county taxes, and collected as other taxes.

SEC. 8. That said drains and branches and side drains shall be under the control, supervision and charge of the county commissioners of the respective counties in which the same are situated. If at any time said original main drain, or its branches or side drains, or said drain as extended, shall become filled up or obstructed with dirt, gravel, weeds, grass or rubbish, or shall otherwise require to be cleaned out or repaired, so that the water shall have a free and unobstructed passage along the same, it shall be the duty of the commissioners of each of said counties to proceed and have said drains and their branches and side drains cleaned out and said obstructions removed and repairs made, and if deemed necessary, to deepen and widen the same, and construct new side drains whenever necessary, and that for the purpose of defraying the expenses of the same, the commissioners of each of said counties shall first ascertain the amount of said expenses, and then appoint two freeholders of their respective counties, who shall under oath report to the said commissioners an estimate of the relative proportion thereof, that should be borne by the several tracts of land covered by said ponds and stagnant water, and the lands adjacent to said main drains and its branches and side drains, that will be benefited thereby, but within two and one-half miles thereof, the same to be estimated and apportioned in the same manner and basis as provided in section two of this act. The respective owners and the county commissioners having the same privilege and power of correcting the same as provided in section three of this act, and the said assessment when thus corrected, to be levied on such lands and placed upon the duplicates for collection, and collected as provided in section three.

SEC. 9. If any person shall willfully injure or obstruct said drain, or any of its branches or side drains, or place rubbish therein, said person shall be liable to pay a penalty of not more than twenty dollars nor less than five dollars, to be recovered in an action in the name of the commissioners of the county in which the injury was done, before any justice of the peace of said counties, and such person shall be moreover liable in said action for the amount of damages done to such drains, including what it will require to remove said obstructions.

SEC. 10. That the act entitled an act further to amend the act to provide for the draining of certain ponds in the county of Butler, passed March 2, 1838, passed February 18, 1845, be and the same is hereby repealed.

SEC. 11. That the board of public works be and they are hereby authorized and required to enlarge the aqueduct or culvert under the Miami and Erie canal in Fairfield township, Butler county, Ohio, built under and in pursuance of the seventh section of the act entitled an act to provide for draining certain ponds in the county of Butler, passed March 2, 1838, the same being inadequate to pass the quantity of water that must of necessity pass under said canal.

SEC. 12. That if the right of way can not be procured from the owners of lands for construction of the main drain from the present terminus in Butler county to the forks of Mill creek in Hamilton county, or the con-

struction of the necessary side drains, as provided in section one of this act, it shall be lawful for the commissioners of each county to make out an accurate survey and description of the parcels of land which they desire to appropriate for such drains, and file the same with the probate judge of the proper county, and thereupon such proceedings of appropriation shall be had as provided for by the act entitled "An act to provide for compensation to owners of private property appropriated to the use of corporations," passed April 30, 1852, and acts amendatory thereto.

SEC. 13. That the act entitled an act to further amend the act to provide for the draining of certain ponds in the counties of Butler and Hamilton, be and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To authorize the trustees of Liberty township, Delaware county, Ohio, to borrow money to assist in building a bridge.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Liberty township, Delaware county, Ohio, be and they are hereby authorized for the purpose of assisting in building a bridge across the Olentangy river, within said township, with the view of uniting two school districts, to borrow the sum of one thousand dollars for the term of five years, and at a rate of interest not to exceed eight per cent. per annum, payable annually, and said trustees may issue their bonds for the payment of the money so borrowed, payable at such times within said five years, as they shall deem best.

SEC. 2. For the purpose of paying said bonds with the interest as the same may become due, the trustees of said township of Liberty, are hereby authorized and empowered to levy a tax upon all the taxable property of said township, both real and personal, at such times and in such amounts as may be necessary in the years 1872, 1873, 1874, 1875 and 1876, and the same to certified by said trustees to the county auditor, by whom the same shall be entered upon the duplicate of said county and collected as other taxes, and the money so raised, shall be paid over to treasurer of said township of Liberty, to be paid out by him on the order of the township trustees, certified by the township clerk.

SEC. 3. The bonds authorized to be issued by this act, shall be signed by the entire board of trustees and attested by the township clerk, who shall also keep a record of the same.

SEC. 4. This act to take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To authorize the trustees of Rootstown township, Portage county, Ohio, to levy a tax for certain purposes therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of Rootstown township, Portage county, Ohio, be and they are hereby authorized to levy and assess a tax, the amount of which to be by them determined, and submit the same to a vote as herein provided, for the purpose of purchasing a hearse for the use of the township, and erecting a suitable building in which to keep the same; the said hearse and building to be under the control of said trustees, or some person by them appointed: Provided, that the trustees shall first submit the question of tax, or no tax, for either of the above named purposes, to the qualified electors of the township at a general election.

SEC. 2. The electors voting at said election shall have written or printed upon their ballots the words, "Tax for hearse and building—Yes," or "Tax for hearse and building—No," and if a majority of all the electors voting at said election upon the question submitted shall vote "Tax—Yes," this act shall thereupon be considered and holden to be adopted by such majority.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

Relative to the Pike county jail, and the confinement of prisoners therein.

WHEREAS, by reason of the removal of the county seat of Pike county from Piketon to Waverly, in said county, the said county is without a jail at the county seat; and

WHEREAS, There is a good and sufficient jail at the town of Piketon, in said county; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That it shall be lawful to confine all prisoners in said jail at the town of Piketon, in said county of Pike, in the same manner and to the same extent as though said jail was located at the county seat of said county, until such time as a good and sufficient jail shall be erected and completed at Waverly, the county seat of said county.

SEC. 2. This act shall take effect from its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

To provide for the sale of certain town lots in the town of Amherst, in Allen county, Ohio.

WHEREAS, it appears that in lots numbered 1, 4, 8, 9, 10, 20, 22 and 23, in the town of Amherst, in Allen county, Ohio, stand valued on the tax duplicate of said county at the sum of five dollars each, making an aggregate of forty dollars valuation for taxation for all purposes; and

WHEREAS, it also appears that the taxes now legally assessed with penalty due and unpaid on said lots amount in the aggregate to the sum of three hundred and twenty-one dollars and three cents (\$321.03), and that said lots stand on the tax duplicate of said county as and in fact are forfeited to the state of Ohio for the non-payment of the taxes and penalty due thereon as aforesaid, and that said lots have been offered for sale for said taxes and penalty under the statute in such case made and provided eight several times and not sold for want of bidders; and

WHEREAS, the said lots are located at a central point in sub-school district number eight (8) in Perry township, Allen county, Ohio, and are desired for school purposes and for a site for building a school house in and for sub-school district number eight aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of Allen county, Ohio, be and he is hereby authorized at any time whenever he may see proper, offer said lots for sale and sell the same to the board of education of Perry township, Allen county, Ohio, for the use of schools and for the purpose of a site for building a school house in sub-district number eight, in the township of Perry aforesaid, said sale to be made for the aggregate sum for which said lots stand valued for taxation on the tax duplicate of said county, irrespective of the amount of taxes and penalty due thereon, and such sale shall convey the title to said lots; and the auditor aforesaid is hereby authorized to execute a deed for said lots to the purchaser of said lots, and such sale shall divest all liability on said lots for arrearages of taxes and penalty which may remain after applying the amount for which said lots were sold thereon.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

Authorizing the commissioners of Knox county to levy a tax to aid in purchasing new grounds for the Agricultural Society of said county, in place of the old grounds to be sold.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the commissioners of Knox county, be and they are hereby authorized to levy on the grand duplicate of said county, at their June session, for the years 1872, 1873, and 1874, a sum not exceeding one-fourth mill each of said years on the dollar, of the taxable property in

said county, in order to aid in the purchase and improvement of new grounds for the Knox county agricultural society.

SEC. 2. It shall be the duty of the board of directors of said agricultural society, to certify to the county auditor, on or before the first Monday in June in each of the above years, the amount necessary to be expended during the current year, for such purchase and improvement, not exceeding the amount authorized to be levied by the first section of this act, which amount so certified shall by said auditor be placed on the grand duplicate of said county, and collected by the treasurer of said county in the same manner as state and county taxes are collected.

SEC. 3. When the collection is made by the treasurer aforesaid, in each year at his semi-annual settlement for the taxes of said year, the auditor of said county shall, at the instance of the county commissioners, issue his order for the sum so collected to the treasurer of said agricultural society, on his filing with such auditor an undertaking in double the amount so collected, with good and sufficient sureties to be approved by the commissioners, conditioned for the faithful paying over and accounting for all funds that may come into his hands by virtue of the provisions of this act.

SEC. 4. It shall be the duty of the commissioners of said county, before making any order authorizing the county auditor to issue an order in favor of the treasurer of said agricultural society, to lift any moneys collected under this act, to require of and take from said agricultural society, a mortgage on the grounds purchased, so drawn as to secure said county for all moneys heretofore invested by said commissioners in the purchase and improvement of the grounds now used by said society, and as shall or may be raised and invested in the purchase and improvement of new grounds under this act, together with accruing interest.

SEC. 5. All grounds and improvements purchased and made as aforesaid, and all grounds owned by said agricultural society, as sites whereon to hold their fairs, shall be under the exclusive control and management of the board of directors of said agricultural society; and should said society become insolvent, said county is to have a prior lien by virtue of the mortgage as aforesaid, on all the grounds of said society and the improvements thereon, prior to all others, except the lien or liens for purchase money; and should said society be dissolved or cease to exist without having become insolvent, all of said grounds and improvements so owned by said society, shall revert in fee in said county of Knox.

SEC. 6. The commissioners of said county shall not be authorized to raise and pay over to said agricultural society, under the provisions of this or any other act, a greater sum of money, which when added to the money heretofore invested by said commissioners in the grounds and improvements now owned and held by said society, will exceed the cash value of the grounds to be purchased, exclusive of improvements.

SEC. 7. The commissioners of said county shall have the right to see that all moneys raised under this act, so far as necessary, are first used in liquidating any lien that may exist for the consideration money of the lands purchased.

SEC. 8. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

For the relief of certain Tax Payers in the townships of Brookfield, Hubbard, Liberty and Vienna, in the county of Trumbull.

WHEREAS, The valuation of real estate for the purposes of taxation in the townships of Brookfield, Hubbard, Liberty and Vienna, in the county of Trumbull, was, by the district assessors at the last valuation, increased over the average valuation of the other townships in said county, the sum of one million dollars, in consequence of the existence of coal in some parts of said townships; and

WHEREAS, Notwithstanding the valuation of the real estate in said townships necessarily, by the only true mode of valuation, included the value of any coal that might be under said lands as a part thereof, there was added to the valuation of said lands in said townships by said assessors, a further increase of valuation on account of the supposed existence of coal under certain lands in said townships, which was added to the first valuation on the duplicate of said county as a special valuation for all purposes of taxation, either against the land or the owners thereof, and

WHEREAS, The said special valuation for taxation is an unjust discrimination against said county, townships and the owners of said lands so valued and taxed, as compared with all other counties in the state containing coal; and

WHEREAS, There is no proper mode of relief from said special valuation, assessment and taxation, during ten years from the time the same was made, except by legislation; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the auditor of the county of Trumbull be authorized, and he is hereby required and directed to strike from the duplicate of said county all special valuation or assessment designated, or being on account of coal, over the general valuation of any and all lands thereon, situated in the townships of Brookfield, Hubbard, Liberty and Vienna, in said county of Trumbull, or against individuals in said townships, on account of any special valuation or assessment for coal unmined, existing or supposed to exist under lands owned by them.

SEC. 2. The said auditor is also directed and required, on demand of any person who has heretofore paid any taxes on such special valuation or assessment, to draw his warrant in their favor on the general fund of said county for the amount of taxes so paid, and take proper receipts therefor.

SEC. 3. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

For the relief of Jeremiah Zeigler.

WHEREAS, In the year 1867, one Jeremiah Zeigler contracted with the board of education of the Van Wert school district No. one of the county of Van Wert, for the furnishing of materials, construction and completion of a union school house in said district, for price of twenty-nine thousand dollars; and

WHEREAS, That in compliance with the terms of said contract, said Jeremiah Zeigler has sustained a loss of over four thousand dollars; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the board of education of the Van Wert union school district number one, in the county of Van Wert, be authorized to levy a tax on the taxable property of said district for the years 1872 and 1873, in equal proportions, the entire sum not to exceed four thousand dollars, for the purpose of remunerating said Jeremiah Zeigler for material furnished and labor performed in the construction and completion of said union school house: Provided, that no tax shall be levied under the provisions of this act until the levy thereof shall have been authorized by the legal voters of said school district in the mode provided by the second section of the act.

SEC. 2. The question whether said tax shall be levied, shall be submitted to the legal voters of said school district, and be decided by them in accordance with the mode submitting and deciding questions of [taxation,] prescribed by section 21, (S. & O., 1353,) and section 22, (S. & O., 702,) of the act entitled an act to provide for the organization, supervision and maintenance of common schools, passed March 14, 1853.

SEC. 3. This act shall take effect on its passage.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Passed April 29, 1872.

AN ACT

To authorize the council of the incorporated village of Canal Winchester, Franklin county, Ohio, to borrow money and issue bonds therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the council of the incorporated village of Canal Winchester, Franklin county, Ohio, be and they are hereby authorized to borrow the sum of eight thousand dollars, to be applied in paying for the erection and building of a town hall in said incorporated village.

SEC. 2. That for the purpose aforesaid the said council are authorized to issue bonds, to be signed by the mayor and attested by the clerk of the council of said incorporated village, in sums not less than fifty dollars nor more than five hundred dollars, bearing interest at a rate not exceeding eight per cent. per annum, payable semi-annually, said bonds to be pay-

able at such time or times, not exceeding twelve years from the respective dates thereof, as said council may determine: Provided, that said bonds shall not be sold for less than their par value.

SEC. 3. That the council of said incorporated village is empowered to levy a tax, annually, on all the taxable property within the limits thereof, sufficient to pay said bonds and interest as they shall become due, which levy shall be placed on the tax duplicate by the auditor of said county, and shall be collected as are other taxes.

SEC. 4. This act shall take effect and be in force from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

AN ACT

To provide for the erection of a Town Hall and place for holding elections in the township of Brecksville, Cuyahoga county, Ohio.

SECTION 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of the township of Brecksville, in Cuyahoga county, Ohio, are hereby authorized to erect a town hall in the village of Brecksville, to be used as a hall for said township, and for holding elections and meeting of the township officers therein, at a cost not exceeding four thousand dollars; and to provide for the same, the trustees, in addition to the fund already on hand, are hereby authorized to borrow an amount not exceeding in the aggregate the sum of ten thousand dollars, and issue the bonds of said township for sums not less than fifty dollars each, as they may deem advisable, payable at such times as they may determine upon, not exceeding in any case the term of five years from date, said bonds in no case to be sold for less than their par value, and to bear interest not exceeding eight per cent. per annum; the bonds to be signed by at least two of the trustees, and countersigned by the clerk of said township, who shall keep and preserve a record of the same, which record shall show the amount, date, time payable, rate of interest, and person to whom payable, of each and every bond so made and sold.

SEC. 2. The trustees of said township are hereby authorized to levy and assess a tax on all the taxable property of said township, not exceeding one mill upon the dollar in any one year, for the purpose of paying the amount of said bonds and interest as they may become due, which levy shall be placed on the tax duplicate by the auditor of said county, and collected as other taxes.

SEC. 3. This act to take effect from and after its passage.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Passed April 29, 1872.

JOINT RESOLUTIONS.

JOINT RESOLUTION

Providing for a joint select committee to wait on the Governor.

Resolved by the General Assembly of the State of Ohio, That a committee consisting of two on the part of the senate and three on the part of the house, be appointed to wait on the governor, and inform him that the two houses are now organized and in session, and ready to receive any communication he may be pleased to make.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Providing for a joint select committee to report rules for the government of the two houses.

Resolved by the General Assembly of the State of Ohio, That there be appointed a joint committee of five on the part of the house and two on the part of the senate, to report rules for the government of the two houses.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Relating to expenses of committees.

Resolved by the General Assembly of the State of Ohio, That all committees of this general assembly, be and the same are hereby respectively required to make accurately itemized accounts, which shall be signed by said committees, of any and all expenses incurred by them, respectively,

in the discharge of their duties, which accounts shall be presented to the standing committee on claims, of the house or senate, as the case may be, for examination and approval, and that the auditor of state be and he is hereby instructed to disallow and reject any and all claims for expenses so incurred, unless the same shall have been approved by the proper committee on claims aforesaid.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Relating to referring so much of the Governor's Message as recommends the erection of suitable monuments at the graves of Gen. W. H. Harrison and Gen. Thomas L. Hamer, to a joint select committee.

Resolved by the General Assembly of the State of Ohio, That so much of the governor's message as recommends the erection of suitable monuments at the neglected graves of William Henry Harrison and General Thomas L. Hamer, be referred to a joint select committee of five on the part of the house and three on the part of the senate, to consider and report as to the suggestion therein contained.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Providing for the printing of rules of the Sixtieth General Assembly.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of the Senate and House, fifteen hundred copies containing the joint rules for the government of the two Houses, the rules for the government of the Senate and the rules for the government of the House, adopted at this session, together with a list of the standing committees, officers and members of the two houses, designating the counties, post-offices, occupation of members and officers, six hundred copies to be deposited in the office of the secretary of state for the Sixtieth General Assembly in 1873, and three hundred copies to be deposited in the state library for the members of the Sixty-first General Assembly. All to be bound in brochure and pamphlet form, the remainder to be distribution equally among the members and officers of the two Houses.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Instructing the secretary of state in relation to incomplete abstracts of votes.

WHEREAS, it appears from the files in the secretary of state's office that a large number of the clerks of the courts of common pleas in this state have not included in their general abstracts of votes transmitted by them to the secretary of state and the president of the senate a statement of the number of votes given in their several counties in favor of and also against a convention to revise, alter or amend the constitution, together with a statement of the whole number of electors voting at the general election, held on the second Tuesday of October, A. D. 1871, as required by the third section of the act entitled an act relative to submitting the question "Shall there be a convention to revise, alter or amend the constitution," to the electors of Ohio, passed March 30, 1871; therefore,

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed, without delay, to prepare suitable blanks and forward the same to such of said clerks as have failed to comply with the aforesaid act, with instructions to them to certify, under their official seals, a statement of the number of votes given in their several counties in favor of and also against a convention to revise, alter or amend the constitution of Ohio, together with a statement of the whole number of electors voting therein at said election, and forward the same to the secretary of state and the president of the senate respectively, and the secretary of state on receiving said certificates shall attach the same to the abstracts of the counties to which they respectively belong.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1871.

JOINT RESOLUTION

Providing for the printing of calendars for the use of members of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That the clerks of the senate and the house of representatives cause a calendar for each branch of the general assembly to be printed every evening, and placed on the desks of each senator and representative before the opening of each daily session, showing for the day the bills for second reading, the bills for third reading, the special orders of the day, the bills in committee of the whole, and the bills on the table.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Authorizing the opening of two fire-places in the Senate Chamber.

Resolved by the General Assembly of the State of Ohio, That the joint committee having the subject of ventilation of the capitol building under consideration, be authorized to have two fire places opened in the senate chamber.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted January 10, 1872.

JOINT RESOLUTION

Directing the Secretary of State to have prepared an outline map of the State for the use of members of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby directed to have prepared, as soon as practicable, an outline map of the state, showing the boundaries of the counties, with the name and population of each county marked within its boundaries, and that he cause three thousand copies thereof, with an alphabetical list of counties, in the margin, with the population of each county, and the several lines of railroad, canals and navigable rivers traversing the state, distinctly marked, and the aggregate population of the state, to be printed and distributed equally to senators and representatives.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Relating to the acts of a general nature passed by the sixtieth General Assembly.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and directed to have the general laws of this session of the legislature printed as soon as possible after enactment, in forms of sixteen pages, and that he cause five thousand copies of the same to be distributed as follows: Ten copies to each member of the general assembly, and the remainder he shall distribute to the county auditors of the several counties in this state, in proportion to their representatives in the legislature, unless otherwise directed by the senators or

representatives from such counties. Said copies to be furnished under existing contracts, and out of the number now required to be printed by law.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Providing for the appointment of a Joint Committee on the subject of re-districting the State for Representatives in Congress.

Resolved, by the General Assembly of the State of Ohio, That a committee of seven on part of the senate, and nineteen on part of the house, be appointed, whose duty it shall be to report a bill for re-districting the state for representatives in Congress.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Providing for the distribution of a portion of the Reports of the Geological Survey for 1870.

Resolved, by the General Assembly of the State of Ohio, That the supervisor of public printing, be directed to distribute the portion of the report of the geological survey of 1870, ordered for members of the general assembly, among the members of the present general assembly.

Resolved, That the resolution providing for the printing, binding and distributing of the annual report of the geological corps of Ohio, for the year 1870, passed April 18, 1871, so far as the same is inconsistent with the foregoing resolution, be and the same is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Relating to the ventilation of the Senate Chamber and other parts of the State House.

Resolved by the General Assembly of the State of Ohio, That a committee of three be appointed by the senate, and five on the part of the house, to take into consideration the better ventilation of the senate chamber and some other parts of the capitol.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Providing for a joint convention of the Senate and House of Representatives to canvass the vote cast for State officers, at the October election, 1871.

Resolved by the General Assembly of the State of Ohio, That the two branches of this general assembly meet in joint convention on Thursday, January 4, 1872, at 10 o'clock A. M., in the hall of the house of representatives, to count the votes cast for state officers, at the election held on the second Tuesday of October, 1871.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Relating to the inauguration of the Governor elect.

Resolved by the General Assembly of the State of Ohio, That a committee of three on part of the senate and five on part of house be appointed to make such arrangements as may be necessary for the inauguration of the governor elect on Monday, the eighth instant.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Providing for the appointment of a joint select committee to report rules for the government of the General Assembly.

Resolved by the General Assembly of the State of Ohio, That a committee of two on part of the senate and five on part of the house, be appointed to prepare and report joint rules for the government of the two houses of this general assembly.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Adopting joint rules for the government of the General Assembly temporarily.

Resolved by the General Assembly of the State of Ohio, That the joint rules of the fifty-ninth general assembly of Ohio, for the government of the two branches thereof, be adopted by this general assembly until otherwise ordered.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 19, 1872.

JOINT RESOLUTION

Providing for the printing and distribution of the report of the trustees of Athens Lunatic Asylum.

Resolved by the General Assembly of the State of Ohio, That there be printed one thousand copies of the report of the trustees of Athens Lunatic Asylum for 1871, three hundred for the use of the trustees and the remainder to be distributed among the members of the general assembly.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 26, 1872.

JOINT RESOLUTION

Authorizing the Secretary of State to donate to the Chicago Law Institute, in behalf of the State, certain books.

WHEREAS, By the recent conflagration in the city of Chicago, the entire collection of law books belonging to the Chicago Law Institute were destroyed; and

WHEREAS, By reason of said conflagration, the ability of said Chicago Law Institute to repair its loss has been greatly impaired; therefore,

Resolved by the General Assembly of the State of Ohio, That the secretary of state be and he is hereby authorized to donate on behalf of the state of Ohio, to the Chicago Law Institute of the city of Chicago, one (1) set of the Ohio Reports, one (1) set of the Ohio State Reports, one (1) copy of Swan & Crithchfield's Statutes, one (1) set of Swan & Sayler's Statutes, and one (1) copy of Ohio Digest.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted January 26, 1872.

JOINT RESOLUTION

Providing for the printing, binding and distribution of the Report of the Mining Commission.

Resolved by the General Assembly of the State of Ohio, That the report of the mining commission, transmitted by the governor to this general assembly, be laid on the table, and that two thousand copies thereof be printed and bound in brochure covers, and furnished for the use of the general assembly.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted January 26, 1872.

JOINT RESOLUTION

Providing for the appointment of additional members of the joint committee on the subject of redistricting the State for Representatives in Congress.

Resolved by the General Assembly of the State of Ohio, That the committee provided for by joint resolution on the subject of redistricting the state for representatives in congress, of seven on the part of the senate

and nineteen on the part of the house be increased by the addition of two more on the part of the senate.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 26, 1872.

JOINT RESOLUTION

Relative to constructing a straight passage way between the House and Senate Chamber.

Resolved by the General Assembly of the State of Ohio, That the committees on public buildings of the two houses be directed to inquire and report the same as to the cost and practicability of constructing a straight covered passage-way between the hall of the house and that of the senate.

N. H. VAN VORHES,
Speaker of the House of Representatives,
 JACOB MUELLER,
President of the Senate.

Adopted January 31, 1872.

JOINT RESOLUTION

Providing that authors of bills shall be notified of the time when their bills will be considered by committees.

Resolved by the General Assembly of the State of Ohio, That the chairman of each committee of the senate and house of representatives, shall, at some time before the final consideration of any bill referred to his committee, give personal notice to the senator or representative introducing such bill, or written notice left on his desk fixing a time when he may be heard by the committee for the purpose of stating the objects of the bill, or making an explanation thereof.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 31, 1872.

JOINT RESOLUTION

Providing for a certain disposition of one hundred and fifty copies of the Report of the Geological Survey for 1870.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be directed to deliver one hundred and fifty of the report of the geological survey of Ohio for 1870 to the

Governor for distribution to American, English, French and German magazines and papers devoted to mining and science, and the principal libraries of the United States, England, France and Germany, and to the libraries of each state and territory.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 31, 1872.

JOINT RESOLUTION

Providing for a revision of the published copies of rules of the General Assembly.

WHEREAS, The rules of the general assembly, as now published, contain numerous clerical errors and omissions; therefore,

Resolved by the General Assembly of the State of Ohio, That they be returned to the state supervisor of printing, with instructions to revise and reprint the same, under the advisement of the clerks of the senate and house.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted February 1, 1872.

JOINT RESOLUTION

To authorize the appointment of a commission to inspect the public works of the State, and to report their condition.

Resolved by the General Assembly of the State of Ohio, That the Governor be and he is hereby authorized and directed to appoint three competent persons, who shall be civil engineers, and who shall constitute a board of commissioners, whose duty it shall be to visit and carefully inspect the public works of the state, and to inquire whether the same have been kept and maintained in a condition to be of equal public utility as at the time of the execution of the lease of the same; whether the canals have been kept properly dredged and bottomed out, and a sufficient depth of water for the commodious navigation of the same maintained; the condition of the locks and other structures connected therewith, and generally whether the lessees of said public works have observed and fulfilled the conditions of their lease, and if not, what sum of money will be required by the lessees to restore said public works to their original state of usefulness, and to report to the governor for the use of the present general assembly, as early as the first day of April next, the facts in the premises, together with any recommendations upon the subject which the facts in their judgment may demand for the preservation of said public works.

Resolved, That each of said commissioners shall have power to take testimony in the premises, for which purpose he may administer oaths and compel the attendance of witnesses, as notaries public are authorized to do by law.

Resolved, That neither of the civil engineers appointed by the governor, shall in any manner be connected with or employed by the board of public works, or any railroad company; and such commissioners shall immediately after their appointment be sworn or affirmed to support the constitution of the United States and of the state of Ohio, and to faithfully and impartially discharge their duties in the premises, and they shall enter upon the discharge of their duties within five days after their appointment, and shall each receive as compensation for his services, the sum of eight dollars per day, for each day actually employed, and his necessary traveling expenses, to be paid upon the warrant of the auditor of State, from the state treasury.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted February 1, 1872.

JOINT RESOLUTION

Authorizing the Attorney General to release the claim of the State for moneys lost by the defalcation of James M. Brown, of Coshoc-ton county, Ohio.

WHEREAS, Upon an indictment for embezzlement, the state of Ohio, in the court of common pleas of Licking county, Ohio, obtained a judgment against James M. Brown, for the sum of forty thousand dollars penalty and three thousand nine hundred and fifty-two dollars and eighty-two cents cost; and

WHEREAS, A large amount of additional costs and attorneys' fees have been incurred in said proceeding and other proceedings now pending, in aid of execution for the payment of which out of the funds so collected, provision has been partially made by resolution of the general assembly, which fund is payable to the state and the county of Coshoc-ton in the ratio of money of each embezzled, to-wit: Fourteen thousand dollars for the state, and eight thousand dollars for said county; and

WHEREAS, The sum of eighteen thousand one hundred and sixty-six dollars and sixteen cents has been collected on said judgment; and

WHEREAS, It is doubtful how much more, if anything, can be realized thereon by legal process;

Now, therefore, for the purpose of relieving the state from any further liability, care or costs in and about the collections of said judgment, be it

Resolved by the General Assembly of the State of Ohio, That the attorney general of the state of Ohio is hereby authorized to receive the sum of ten thousand dollars, in full satisfaction of the interest of the state in said judgment. Upon the receipt of said sum, the attorney general is hereby authorized and directed to assign, in writing, to said county, all the interest of the state in said judgment.

Be it further resolved, That the joint resolution of the general assembly, adopted May 6th, 1869, entitled a joint resolution looking to the payment of counsel, &c., in the case of the state against James M. Brown, &c., of Coshocton county; also a joint resolution adopted April 12, 1871, entitled a joint resolution authorizing the commissioners of Coshocton county to pay certain attorneys' fees and expenses; also a joint resolution passed May 1st, 1872, entitled a joint resolution relating to the payment of costs and counsel fees in the case of the state of Ohio against James M. Brown and Samuel Ketchum, be and the same are hereby rescinded.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted January 26, 1872.

JOINT RESOLUTION

Relating to instructions to the Supervisor of Public Printing.

Resolved by the General Assembly of the State of Ohio, That the supervisor of public printing be instructed to procure the printing of the reports of state officers not already printed, in the following order: Penitentiary, Northern Lunatic Asylum, Athens Lunatic Asylum, Southern Lunatic Asylum, Deaf and Dumb Asylum, Soldiers' Orphans' Home, Blind Asylum, Report on Miners and Mining, Report of Board of Public Works, Supervisor of Printing, Reform School for Boys, Reform School for Girls, Idiotic Asylum, Attorney General, Longview Asylum, School Commissioner, Commissioner of Railroads.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted February 10, 1872.

JOINT RESOLUTION

Providing for a conference with the city council of Columbus, respecting the improvement of Capitol Square.

Resolved by the General Assembly of the State of Ohio, That the standing committee on state buildings of the senate, and the standing committee on public buildings of the house as a joint committee, are requested to confer with the city council of the city of Columbus, or any committee thereof, appointed for the purpose, respecting the improvement of capitol square, and that said joint committee report the result of said conference, together with their recommendation in the premises, to the two houses.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted February 12, 1872.

JOINT RESOLUTION

Authorizing the printing of fifteen hundred copies of the Secretary of State's Report of 1871, in the German language.

Resolved by the General Assembly of the State of Ohio, That there be printed fifteen hundred copies of the Secretary of State's Report of 1871, in the German language, one hundred copies for the secretary of state, and the balance to be divided equally among the members of the general assembly.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted February 20, 1872.

JOINT RESOLUTION

Relating to records in the War Department pertaining to soldiers from Ohio in the war of the rebellion.

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress, be and they are hereby requested to use their influence to procure such action on the part of congress as will enable this state to secure copies or transcripts of such rolls, returns, reports or other records, as may be necessary to complete the history of her soldiers.

Resolved, That the governor be requested to forward a copy of these resolutions to each of said senators and representatives in congress.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives
JACOB MUELLER,
President of the Senate.

Adopted February 20, 1872.

JOINT RESOLUTION

Instructing the Attorney General to examine contracts between the Trustees of Central Ohio Lunatic Asylum and Contractors.

WHEREAS, It is alleged that the contract or contracts existing between the trustees of the central lunatic asylum and contractors, for the construction of said building, are inadequate for the protection of the interests of the state; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the attorney general is hereby instructed to examine said contract or contracts, and report his opinion respecting the same to this general assembly at an early day.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted February 20, 1872.

JOINT RESOLUTION

Providing for the printing of 600 additional copies of H. B. No. 223.

Resolved by the General Assembly of the State of Ohio, That 600 additional copies of H. B. No. 223, for the organization and maintenance of common schools, be printed for the use of members.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MÜELLER,
President of the Senate.

Adopted February 28, 1872.

JOINT RESOLUTION

Relative to instructions to the Senate and House Committees on Finance.

WHEREAS, The trustees of the deaf and dumb asylum, in their report, represent that the purchase of additional land is indispensable for the health, exercise and comfort of the pupils in said asylum, and urgently ask an appropriation for the same; therefore,

Resolved by the General Assembly of the State of Ohio, That the committees of the senate and house on finance, be instructed to inquire into the matter and report by bill or otherwise.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted March 1, 1872.

JOINT RESOLUTION

Providing for the printing of 200 additional copies of H. B. No. 235.

Resolved by the General Assembly of the State of Ohio, That two hundred additional copies of house bill No. 235, "To regulate insurance companies doing an insurance business in the state of Ohio," be printed for the use of the members.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted March 1, 1872.

JOINT RESOLUTION

Providing for printing the Geological Report of 1870 in the German language.

Resolved by the General Assembly of the State of Ohio, That there be printed, in the German language, two thousand (2,000) copies of the geological report of 1870, for the use of the members of the general assembly.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted March 7, 1872.

JOINT RESOLUTION

Suspending, for the benefit of Rebecca J. Stewart, certain provisions of "An act to provide for the uniform government and better regulation of the lunatic asylums of the State, and the care of idiots and the insane," passed April 7th, 1856.

WHEREAS, Rebecca J. Stewart, daughter of George Throckmorton, was born in Miami county, state of Ohio, and resided there up to the time of her marriage, her parents having resided in said county and state for a long time previous, and are now residents of said state; and

WHEREAS, She having removed with her husband to the state of Illinois, had an attack of sickness which terminated in partial derangement of mind, and was brought back with her family to Ohio, by her father, and cared for, with the hope of her permanent recovery; and, although better for a time, so as to keep house, she has, by a relapse, seemingly settled into confirmed insanity, and her attending physician advises that the only hope of her recovery is to have her sent to some asylum for treatment; and

WHEREAS, She may be by the 19th section of the act passed April 7th, 1856, entitled "An act to provide for the uniform government and better regulation of the lunatic asylums of the State, and the care of idiots and the insane," deprived of the right of being admitted into the lunatic asylums of the State of Ohio, because of the insanity having first occurred out of the State; therefore,

Resolved, by the General Assembly of the State of Ohio, That the provisions of the 19th section of said act be suspended so far as to entitle the aforesaid Rebecca J. Stewart to all the rights and privileges of a citizen of the State of Ohio, and to entitle her to admission to some lunatic asylum of the State, under the same provisions and restrictions as other insane persons are now admitted into said asylums.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted March 11, 1872.

JOINT RESOLUTION

Relating to a certain claim of the State of Ohio against the United States.

WHEREAS, In the opinion of this General Assembly, the State of Ohio has a valid claim against the Federal Government, growing out of the policy adopted prior to the year 1802, by the Congress of the United States, in aid of immigration and settlement of the new States, in which it was proposed by the Federal Government to give to all new States five per cent. of the proceeds of the sales of all public lands within their respective limits that would, at the time of their admission into the Union, waive and not exercise for the period of five years, their right to tax any lands within their respective limits, purchased of the United States; and

WHEREAS, Under the policy of the Federal Government above recited, the State of Ohio was entitled to receive the five per cent.; and

WHEREAS, There remains two per cent. of the five per cent. yet unpaid; and

WHEREAS, The Congress of the United States, by special act approved February 28, 1859, appropriated the two per cent fund to the state of Missouri, thereby adding another precedent to those of Alabama and Mississippi, in favor of paying all the states in which such fund originated; therefore, be it

Resolved, by the General Assembly of the State of Ohio, That the senators of Ohio be instructed, and the representatives in Congress be requested to use their influence to secure the passage of a joint resolution declaring the true construction of the statute of March 3, 1857, or the enactment of a special statute similar to the Missouri act, securing to Ohio the payment of such cash balance of the five per centum of the net proceeds of the sale of public lands lying within its limits, as is provided in the Ohio enabling act, approved April 30, 1802.

Resolved, That the governor be and he is hereby requested to forward a copy of the foregoing resolution to each of the senators and representatives in Congress from this state, at his earliest convenience.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted March 23, 1872.

JOINT RESOLUTION

Relative to referring the part of the Governor's Message appertaining to the building of a mansion for the Governor, to a joint select committee.

Resolved, by the General Assembly of the State of Ohio, That so much of the governor's message as refers to providing a mansion for the governor of the state of Ohio, be referred to a joint select committee of five on the part of the house, and three on the part of the senate, for consid-

eration, and that they be requested to report the result of their deliberations to this general assembly at their earliest convenience.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted March 23, 1872.

JOINT RESOLUTION

Providing for the equalization of bounties to soldiers.

WHEREAS, As some inequality and unfairness seems to exist in the distribution of bounties to soldiers enlisted for the three years' service in the late war; and

WHEREAS, There can be no just reason for discriminating between soldiers honorably discharged by reason of sickness contracted while in the service and on duty, and those discharged on account of wounds or injuries received under like circumstances; therefore,

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be requested to use their influence in procuring the passage of a law to provide for the payment of a bounty of one hundred dollars to each soldier who has not heretofore received such bounty, and who enlisting for three years' service or during the war, was afterwards honorably discharged before the expiration of two years' service on account of sickness or other disability.

Resolved, That the governor be requested to forward a copy of this preamble and resolution to each of our senators and representatives in congress.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted March 25, 1872.

JOINT RESOLUTION

Suspending for the benefit of Peter Menager certain provisions of "An act to provide for the uniform government and better regulation of the lunatic asylums of the State, and the care of idiots and the insane," passed April 7, 1856.

WHEREAS, Peter Menager, aged thirty years, unmarried, was born in Gallipolis, Gallia county, Ohio, and resided there with his parents until near manhood, when he went from home to provide for himself; and

WHEREAS, After an absence of some twelve years, he returns to the home of his widowed mother insane; and

WHEREAS, He may be, by the 19th section of the act passed April 7th, 1856, entitled "An act to provide for the uniform government and better

regulation of the lunatic asylums of the state, and the care of idiots and the insane," deprived of the right of being admitted into the lunatic asylums of the state of Ohio, because of non-residence; therefore,

Resolved by the General Assembly of the State of Ohio, That the provisions of the 19th section of said act be suspended, so far as to entitle the aforesaid Peter Menager to all the rights and privileges of a citizen of the state of Ohio, in and to an admission to some lunatic asylum of the state, under the same provisions and restrictions as other insane persons are now admitted into said asylums.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted March 25, 1872.

JOINT RESOLUTION

Providing for the printing of additional copies of the Report of the Secretary of State for the year 1871.

Resolved by the General Assembly of the State of Ohio, That there be printed of the Secretary of State's Report for the year 1871, ten thousand copies in addition to those already printed, to be bound in muslin; five hundred copies for the Secretary of State (three hundred copies of which shall be retained by him for the use of future general assemblies) and the rest for the general assembly, to be divided equally among the members, and sent by the Secretary of State to the care of the auditor of each county, or as may be directed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted March 26, 1872.

JOINT RESOLUTION

Relative to insane persons belonging to the Central Asylum District.

Resolved by the General Assembly of the State of Ohio, That until otherwise ordered, the Central Lunatic Asylum district shall be so divided as to assign the patients to be committed from the counties of Carroll, Stark, Wayne, Ashland, Holmes, Crawford, Harrison, Tuscarawas, Knox, Richland, Morrow, Marion, Wyandot, Hancock and Jefferson, to the Northern Ohio Lunatic Asylum, at Newburg; those from counties of Belmont, Monroe, Noble, Guernsey, Coshocton, Muskingum, Morgan, Fairfield, Licking, Delaware, Franklin, Pickaway, Madison, Union and Hardin, to the Southern Ohio Lunatic Asylum at Dayton; those from the counties Fayette, Ross, Pike, Lawrence, Gallia, Meigs, Washington, Athens, Vinton, Hocking and Perry, to the Longview Asylum. The patients now at

the several asylums shall remain where they are until regularly discharged, unless by mutual arrangements between the several superintendents exchanges are effected.

Resolved, That the joint resolution on the same subject, passed April 2, 1870, be and is hereby repealed.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted March 29, 1872.

JOINT RESOLUTION

Relating to the establishment of gas works at the Ohio Penitentiary.

Resolved, That a committee of two on the part of the senate and four on the part of the house, be appointed for the purpose of inquiring into the propriety of establishing gas works at the Ohio Penitentiary, for the purpose of supplying the public buildings of the state within reach of the proposed works, with gas; and that said committee be and are hereby authorized to ascertain the amount of expenses necessary, to be incurred in the construction of said gas works, together with the expenses of laying main and lateral pipes from said gas works, through the penitentiary, to and through the State House, Deaf and Dumb Asylum and Blind Asylum, together with the necessary annual cost of supplying, keeping up and repairing said gas works.

Resolved, That the committee be further instructed to inquire into the manner in which gas has been furnished to the state for the past three years, the quantity and quality of gas furnished each year, and the number of gas burners used in each of the state buildings in the city of Columbus, each year for the past three years, together with the method of measuring the gas used.

Resolved, That the committee have full power to examine witnesses, and to send for persons and papers.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 4, 1872.

JOINT RESOLUTION

Relating to the approval of the plans, etc., of the Central Ohio Lunatic Asylum.

WHEREAS, The trustees of the Central Ohio Lunatic Asylum, in pursuance of the act entitled "An act in addition to the acts authorizing the building of the Central Ohio Lunatic Asylum," have filed in the office of the auditor of state a complete plan for the rear central wing of said asylum, as contemplated and authorized by said act, together with the

working plans, details, specifications and estimates required by law, and have submitted the same for approval of this legislature; therefore,

Resolved by the General Assembly of the State of Ohio, That the said plans, drawings, details, specifications and estimates be and the same are hereby approved, with privilege to correct or modify the schedule of estimates at any time before contracts be given out for said work: Provided, that such change do not increase the aggregate amount.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 10, 1872.

JOINT RESOLUTION

Relating to the construction of chutes over dams built by the state.

Resolved by the General Assembly of the State of Ohio, That the board of public works, or the resident engineer of said board, be required to report to this general assembly, as soon as practicable, an estimate of the probable expense of erecting chutes or passage ways for fish over the state dams, as provided for by an act passed January 31, 1871, (O. L., vol. 68, page 16.)

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 12, 1872.

JOINT RESOLUTION

Authorizing the city council of the city of Chillicothe to change the location of the waste weir of the Ohio Canal at said city.

WHEREAS, The city of Chillicothe, by action of its council, has decided that the general health of that city will be promoted by shutting all water out of what is known as the "old bed of the Scioto river;" and

WHEREAS, There is now a waste weir which wastes the water of the canal into said "old bed," which can be changed to a point in the immediate locality without detriment to the canal; therefore,

Resolved by the General Assembly of the State of Ohio, That the city council of the city of Chillicothe be and it is hereby authorized to cause the waste wier which now discharges the waste water from the Ohio canal into the "old bed," in that city, to be closed up, and a new wier to be opened at a point which shall answer all the purposes of the present wier; the expense of making such change shall be borne by the city of Chillicothe; the work to be done under the charge of the city civil engineer of

said city, and to be acceptable to the engineer of the board of public works.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 17, 1872.

JOINT RESOLUTION

Opposing a reduction of the tariff on imported wool.

WHEREAS, a strong effort is being made by the manufacturing interest of the United States to influence Congress to greatly reduce the duty on foreign wools; and

WHEREAS, the state of Ohio is largely interested in the raising of sheep and wool; therefore,

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress of the United States be requested to use their influence to defeat said proposed reduction, or any reduction whatever, of duty on foreign wools.

Resolved, That the Governor be requested to forward a copy of the above preamble and resolution to each of our senators and representatives in congress.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 17, 1872.

JOINT RESOLUTION

Relating to the construction of a ship canal around the Falls of Niagara within the territory of the United States.

WHEREAS, a commercial convention of business and other representative men, from different portions of the country, both east and west, was held at Detroit, in the state of Michigan, on the 13th day of December last, to take into consideration the practicability of reducing the rates and cost of transportation between the agricultural states of the west, and the eastern and European markets, by opening up continuous steam navigation by way of the northern lakes and river St. Lawrence to the Atlantic ocean; and

WHEREAS, the convention adopted resolutions requesting Congress to assist in that enterprise, by making an appropriation adequate to the

construction of a ship canal around the Falls of Niagara, on the American side thereof; and

WHEREAS, this proposition of opening up new and competing lines of transit between the west and east, through those great water channels of the continent, thereby reducing very materially the cost of moving the vast agricultural and other products of the west to the markets of the world, has received the direct sanction of the legislatures of most of the western states and territories, and more especially of Illinois, Iowa, Kansas, Nebraska, Dakota, Minnesota, Wisconsin and Michigan, as also of several of the New England states, thereby most incontestably proving that the people of the whole country are making earnest and efficient efforts to secure greater and cheaper means and facilities of transportation between the two sections of our country; and

WHEREAS, the people of Ohio have ever taken a deep and abiding interest in all questions and enterprises, the object of which have been to open up, extend and perfect the means and facilities of inter-communication between the different sections and portions of our country, thereby materially reducing the cost of transit on her immense and varied industry; therefore, be it

Resolved by the General Assembly of the State of Ohio, That our senators and representatives in congress be, and they are hereby requested to give their earnest attention to this subject, and if in their judgment it should appear to be feasible and to subserve the purpose sought to be secured, (to wit: cheap transportation) to urge upon congress that such aid be granted to the enterprise, by the general government, as shall secure the speedy construction of the aforesaid ship canal.

Resolved, that duly authenticated copies of this memorial and resolutions, be transmitted by the secretary of state to each of our senators and representatives in congress, also to the president of the senate and speaker of the house of representatives, with request that they lay them before their respective houses.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 17, 1872.

JOINT RESOLUTION

Relative to the adjournment of the General Assembly April 29, 1872.

Resolved, by the General Assembly of the State of Ohio, That this general assembly adjourn on Monday, the 29th day of April, 1872, at 10 o'clock A. M., to convene on Thursday, January 2d, 1873, at 2 o'clock P. M.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 19, 1872.

JOINT RESOLUTION

Relative to the loss of the reports of the Geological Survey of 1870.

WHEREAS, It has been ascertained by a select committee of the house, that eight hundred and sixty copies of the geological reports for 1870, are accounted for as missing; and

WHEREAS, There exists a large deficiency in the number of copies of said report, designed for the use of the senate, involving a total loss of over one thousand copies; and

WHEREAS, The people of the state have a direct interest in the enforcement of a fair distribution of the public documents; therefore,

Resolved, by the General Assembly of the State of Ohio, That a joint special committee, to consist of three upon the part of the house and two upon the part of the senate, shall be appointed, with power to send for persons and papers, and it shall be the duty of said committee to ascertain if possible, the party or parties by whom the aforesaid missing volumes have been taken, and to procure the return of said missing reports, or the value thereof, to the state, and report at as early a day as practicable, said report to suggest what legislation, if any, is needful to prevent the recurrence of losses of a similar character hereafter.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted April 20, 1872.

JOINT RESOLUTION

Relative to a claim of Conrad Norbach.

WHEREAS, One Conrad Norbach claims that he was the owner and master of a canal boat named P. DeHart, used in the navigation of the Miami and Erie canal, and that whilst navigating the said canal, in the month of August, A. D. 1860, he ran upon a sunken rock at the foot of the Providence slack water, on the canal, in what is called the neck, leading from the main slack water into the canal, and sunk said boat, which at the time was loaded with wheat; therefore,

Resolved, by the General Assembly of the State of Ohio, That the board of public works, be, and it is hereby authorized, to investigate and determine the amount of damage, if any, to which said Norbach may be entitled by reason of such sinking, and report the same to the adjourned session of the general assembly, with such recommendation as it may deem proper.

CHARLES H. BABCOCK,

Speaker pro tem. of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted April 20, 1872.

JOINT RESOLUTION

Relative to investigating the cause of fire in the rooms of the State Board of Agriculture.

WHEREAS, On the 27th day of March, 1872, a fire occurred in the rooms of the state board of agriculture, destroying a portion of the paper there, and

WHEREAS, There are vain reports as to the origin of said fire; therefore,

Resolved, by the General Assembly of the State of Ohio, That a committee of three on the part of the house, and two on the part of the senate, be appointed to investigate the cause of said fire, and report at the earliest day possible.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 20, 1872.

JOINT RESOLUTION

Relating to the printing of the report of the commissioners appointed to examine the public works of the state.

Resolved by the General Assembly of the State of Ohio, That there be printed for the use of this general assembly, one thousand copies of the report of the commissioners appointed to examine the public works of the state of Ohio, including the testimony taken on such examination; also two hundred and forty advance copies of the report alone, for the use of the general assembly.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 20, 1872.

JOINT RESOLUTION

Relative to attending the funeral of the late Hon. R. D. Harrison.

Be it resolved by the General Assembly of the State of Ohio, That a joint committee of five on the part of the house, and three on the part of the senate, be appointed to make suitable arrangements for the attendance of this general assembly on the funeral of the late Hon. R. D. Harrison.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 25, 1872.

JOINT RESOLUTION

Admitting Clara Somers into the Reform and Industrial School for Girls.

WHEREAS, Clara Somers of Hamilton county, Ohio, has been sentenced to the state penitentiary for two years, upon a plea of guilty, of the offence of grand larceny, by the court of common please of said county, and.

WHEREAS, The judge who pronounced the sentence, expressed his desire that the sentence should be modified to confinement in the reform school for girls, but was unable to make such a modification of the sentence in consequence of the said Clara Somers being sixteen years of age, and

WHEREAS, The prosecuting attorney who appeared for the state also expressed his opinion that it would be manifestly for the cause of humanity and moral reform, that she be cared for in the same reform and industrial school; therefore,

Be it resolved by the General Assembly of the State of Ohio, That the governor be and he is hereby authorized to issue his warrant for the transfer of the said Clara Somers from the Ohio penitentiary to the state reform and industrial school for girls, there to be held and treated so far as practicable, under the laws and regulations of said institution: Provided, the governor shall have power to remand said Clara Somers to the penitentiary at any time when he may be satisfied that she is incorrigible and the public good so requires; and the time spent at the said reform and industrial school shall be estimated as a part of the time for which said Clara Somers was sentenced.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.

JACOB MUELLER,
President of the Senate.

Adopted April 26, 1872.

JOINT RESOLUTION

Relative to printing copies of Agricultural Reports.

Resolved by the General Assembly of the State of Ohio, That the secretary of state be authorized and required by law, under and in accordance with a law passed March 24, 1860, to provide for the execution and supervision of the state printing and binding, under the joint supervision of the supervisor of state printing and the secretary of the state board of agriculture, to have printed and bound twenty thousand copies of the Report of the State Board of Agriculture for the year 1871, and twenty thousand copies of the report for the year 1872, of which ten per cent. shall be printed in German, and the size of the type and mechanical execution to conform to the report of said board for the year 1868: Provided, that nothing shall be published in said reports, except such matter as is authorized by law, not to exceed in size the report of 1868; 2,000 copies of the report of 1871, and 2,000 copies of the report of 1872, to be subject to the order of the state board of agriculture, for exchange and

foreign distribution; 18,000 copies of the report of each of said years 1871 and 1872, the secretary of state shall apportion among the present members of the general assembly, the number of German copies for each member to be determined by a list to be furnished the said secretary of state, by the committee on agriculture in each house, on which list shall be stated the names of members desiring German copies and the number desired by each; said reports shall be boxed up and directed to the care of the county auditor in the counties in which they respectively reside, and it shall be the duty of said county auditor to notify the respective members within ten days after the receipt of said reports, and if not removed by the person to whom directed, or on his written order, within thirty days, then the reports are to be delivered by the auditor, to the president of the county agricultural society for distribution. The charge for the transportation of the said reports, as well as the charges for boxes shall be paid for in the same manner as is or may be provided by law, for the distribution of the laws and journals.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 27, 1872.

JOINT RESOLUTION

Authorizing the Governor to appoint Commissioners to attend the International Penitentiary Congress to be opened at London, England, July 3, 1872.

Resolved by the General Assembly of the State of Ohio, That the governor of the state be and he is hereby authorized, to appoint five commissioners to attend as representatives of the state of Ohio, the international penitentiary congress, to be opened in London, July 3, 1872, and said commissioners shall serve without compensation from the state.

CHARLES H. BABCOCK,
Speaker pro tem. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 27, 1872.

JOINT RESOLUTION

Relating to the death of Richard D. Harrison.

WHEREAS, Richard D. Harrison, state commissioner of railroads and telegraphs, has been removed from our midst by death; therefore,

Be it resolved by the General Assembly of the State of Ohio, That as a token of our regard for his memory and his many excellent qualities, we will in a body attend his funeral; and as a further mark of our appreciation of his worth as a public officer, the superintendent of the state house

is hereby directed to lower the flags upon the state house to half-mast until the day of his funeral.

CHARLES H. BABCOCK,
Speaker pro tēp. of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 27, 1872.

JOINT RESOLUTION

Relating to the "State Quarry Tract."

Resolved by the General Assembly of the State of Ohio, That the state quarry tract, so called, be and the same is hereby placed under the control and management of the board of trustees of the Central Ohio Lunatic Asylum; and it is hereby made their duty to see that the provisions of section one of the act to prevent trespasses upon the lands belonging to the state, as found in Swan and Saylers Statutes, page 650, are enforced. The trustees aforesaid shall not lease the stone quarry on the said tract, but may sell stone and other materials from the said lands, and all moneys received from the sale of stone, materials or rent, shall be paid into the state treasury, but there is hereby reserved to the state, for its own use, and for any and all the state institutions the right to remove for use any of the stone or other materials on the same, and the comptroller of the treasury, as superintendent of the State House, is hereby directed and required to collect all amounts due or coming to the state for all use of said lands heretofore, and for stone or other materials heretofore taken away, whether under claim of right or otherwise.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 27, 1872.

JOINT RESOLUTION

Providing for the filling of the Lucas county Insane Asylum with patients from the State at large.

WHEREAS, The county of Lucas, while the state facilities were not of such a capacity as to furnish a place for all the insane of the state, and a large number of the chronic insane were of necessity confined in the jails and infirmaries of the state, did with commendable benevolence and charity, build at a large expense, a local insane asylum, which, when the asylum now in process of construction shall be completed, will of necessity be worthless for the purpose for which it was originally designed, and

WHEREAS, The said Lucas county asylum will comfortably accommodate a number of the insane now confined in jails and infirmaries whereby during the construction of the state asylums now being erected, such tem-

porary accommodations will greatly ameliorate the condition of such insane; therefore,

Resolved by the General Assembly of the State of Ohio, That the attorney general be and is hereby authorized to contract with the commissioners of Lucas county, for the maintenance and care of a number of the insane of the state, not exceeding one hundred, at a rate not exceeding four dollars and eighty cents per week, preference being given to the insane of Lucas county, subject to the future action of the general assembly.

Resolved, That the trustees of the Central Ohio Lunatic Asylum be and are hereby authorized to let to the commissioners of Lucas county so much of the furniture, beds, bedding and such other property saved from the burning of the Central Asylum, as suitable for the furnishing of the aforesaid building, for such reasonable compensation as may be agreed upon between the parties.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 27, 1872.

JOINT RESOLUTION

Authorizing the Trustees of the Central Lunatic Asylum to make a certain contract.

Resolved, by the General Assembly of the State of Ohio, That the trustees of the central lunatic asylum, be and they are hereby authorized to contract with either of the railroad companies whose roads pass through the lands of said asylum, or the state quarry lands, for the construction by such company of a switch from its road, on either of said tracts of land to the asylum, at the expense of such company, upon the terms that said switch shall be the property of said company until the completion of said asylum, when the state shall purchase the same at its then fair valuation, not to exceed the original cost of construction, and said contract shall be prepared and approved by the attorney general, and when executed shall be deposited with the treasurer of state; and before any money is paid on such purchase, a proper conveyance to the state of such switch, approved by the attorney general, shall be made and delivered by such company.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 27, 1872.

JOINT RESOLUTION

Relative to granting two hundred copies of the Geological Survey Report to the State Library.

Resolved by the General Assembly of the State of Ohio, That two hundred copies of the geological report, now being distributed, be granted to the state library, to be used to accommodate inquiries for the work from literary institutions, historical societies, colleges, and other similar organizations, and not to be disposed of except where the librarian is convinced a proper use will be made of them.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 27, 1872.

JOINT RESOLUTION

Directing the Board of Public Works to make a certain improvement.

WHEREAS, The state of Ohio is the owner of a lot of land fronting on Canal street, in the city of Columbus, between Friend and Mound streets, which was dedicated as a site for a canal basin, but the construction of such basin was not deemed expedient; and

WHEREAS, In filling up the grounds around the state house, the commissioners excavated said lot to or near the water line in the canal, as a consequence of which excavation, the roadway in Canal street has been washed away, and is now nearly impassable; and

WHEREAS, The only remedy is to re-fill the lot or to construct a protection wall; therefore,

Resolved, by the General Assembly of the State of Ohio, That the board of public works be and they are hereby authorized and directed to construct such protection wall.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Relating to the extension of a certain avenue in the city of Columbus, Ohio.

Resolved by the General Assembly of the State of Ohio, That "Ohio Avenue," as designated in the recorded plat of Hoffman and McGrew's addition to the city of Columbus, in Franklin county, Ohio, be and the same is hereby extended in its present course and width over and across the

lands of the state of Ohio, lying on the north side of said addition, to Broad street of said city, and the parcel of said land, so to be occupied by and for said avenue, is hereby dedicated to the people as a public highway.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Relative to distribution of public documents.

Resolved by the General Assembly of the State of Ohio, That the superintendent of public printing be and is hereby required to ascertain by actual count the number of public documents of any description placed in his hands by the state binder and printer. He shall take charge and store the same, and deliver them to the sergeant-at-arms of the two house in such numbers and at such times, during the session of the general assembly, as they may require. The sergeant-at-arms of the two houses shall ascertain, upon actual count, the number of documents received from the superintendent of printing, and receipt for the same, and shall distribute the documents among members immediately on receipt of the same, charging them at the time with the number delivered. The superintendent of state printing and the sergeant-at-arms of the two houses shall be held to a strict accountability for all losses occurring in their hands. The superintendent of the state house is hereby required to furnish the superintendent of the state printing with sufficient room for storage of documents.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Providing for the printing and distribution of the first volume of the final report of the geological corps of Ohio.

Resolved by the General Assembly of the State of Ohio, That there be printed of the first volume of the final report of the geological corps of Ohio twenty thousand copies, with such maps, plates and sections as are prepared to illustrate the report; the printing to be in the best style, on good paper, in royal octavo, and bound in muslin; the printing to be contracted for by the commissioners of printing, according to law, and accepted under the supervision of the governor, treasurer of state and the commissioner of common schools; two hundred and fifty copies for the geological corps; five hun-

dred copies for the state library; fifty copies for the governor, and the remainder for the general assembly, to be divided equally among the members, and sent to them as soon as printed and bound. Two thousand of the number of the copies printed to be in the German language.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Providing for the printing and distribution of the First Annual Report of the Board of Trustees of the Ohio Agricultural and Mechanical College.

Resolved by the General Assembly of the State of Ohio, That the supervisor of state printing, be directed to procure the printing of five hundred copies of the first annual report of the board of trustees of the Ohio Agricultural and Mechanical College, to be distributed as follows: One hundred copies for the use of the said board of trustees, fifty for the state officers, fifty for the state library, and three hundred for the members of the general assembly.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Relating to the securities taken upon the sale of the Central Lunatic Asylum lands.

WHEREAS, Under the authority given to the governor, treasurer of state and attorney general, by the act passed April 18, 1870, (67 O. L. 90,) the lands of the Ohio Central Lunatic Asylum were sold in part upon deferred payments, which are evidenced by notes made by the purchasers, secured by mortgage; therefore,

Resolved by the General Assembly of the State of Ohio, That the auditor of state and attorney general be and they are hereby directed to cause a statement of said claims to be carefully prepared, setting out fully the character and condition of each claim; and that a true copy of such statement be deposited in the respective offices of the auditor, comptroller and treasurer of state; and that the attorney general cause said claims to be certified into the state treasury, together with all moneys that shall have been paid thereon; and that the treasurer of state be and he is hereby authorized to release all mortgages, the debts secured by which have been or hereafter may be paid.

N. H. VAN VORHES,
Speaker of the House of Representatives.
 JACOB MUELLER,
President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Relating to the fence around "Capitol Square."

Resolved by the General Assembly of the State of Ohio, That when the iron fence now around part of the state house grounds is taken down, preparatory to the putting up of the new fence provided for at this session, the said present fence may be taken possession of by the trustees of the institution for deaf mutes, and used by them to enclose the grounds of said institution, if in the opinion of said trustees the same is suitable for that purpose.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Relating to the holding of meetings in "Capitol Square."

Resolved by the General Assembly of the State of Ohio, That hereafter all meetings, out door concerts and other public gatherings usually held on the capitol grounds, be required to assemble on the east terrace of the state house, and that no meetings of any kind be permitted to assemble on any other portion of the grounds.

Resolved, That the officer in charge of the state house, is hereby required to see that the provisions of this resolution are enforced.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Relating to the printing of an edition of the School laws.

WHEREAS, It is highly probable that the present general assembly will, at its adjourned session, codify the school laws, and thereby render useless the expense of issuing an edition of the school laws this year, which the state commissioner of common schools is under obligation to do; therefore,

Resolved by the General Assembly of the State of Ohio, That the state commissioner of common schools be ordered not to issue an edition of the school laws the present year.

N. H. VAN VORHES,
Speaker of the House of Representatives.
JACOB MUELLER,
President of the Senate.

Adopted April 29, 1872.

JOINT RESOLUTION

Relating to the transfer of certain securities to the State Treasury.

Resolved by the General Assembly of the State of Ohio, That a committee of two on the part of the senate, and three on the part of the house of representatives, be appointed to examine and report what legislation, if any, is necessary for transferring to the state treasury the securities taken on the sale of the old Central Lunatic Asylum lands, in Columbus; the collection of the same, and the release of mortgages on payment or substitution of securities, or in any other matter connected with said sale.

N. H. VAN VORHES,

Speaker of the House of Representatives.

JACOB MUELLER,

President of the Senate.

Adopted April 29, 1872.

OFFICE OF SECRETARY OF STATE,

Columbus, Ohio, May 24, 1872,

I hereby certify that the foregoing General and Local Laws and Joint Resolutions, are correctly copied from the original rolls on file in this office.

ISAAC R. SHERWOOD,

Secretary of State.

TIMES FOR HOLDING COURTS IN OHIO IN 1872.

FIRST DISTRICT.

DISTRICT COURT.

Hamilton, April 15, October 7.

COMMON PLEAS.

Hamilton, January 2, June 3, November 4.

SECOND DISTRICT.

DISTRICT COURT.

Butler, April 1; Champaign, April 29; Clarke, May 2; Clinton, May 16; Darke, April 17; Greene, May 6; Miami, April 24; Montgomery, May 10; Preble, April 15; Warren May 13.

COMMON PLEAS.

Butler, January 9, May 20, October 14.
Champaign, February 19, June 10, November 25.
Clarke, January 15, June 3, October 14.
Clinton, February 26, June 17, November 25.
Darke, January 8, May 20, October 14.
Greene, February 26, June 17, November 25.
Miami, January 15, May 20, September 9.
Montgomery, January 8, June 17, October 14.
Preble, March 4, June 10, November 25.
Warren, January 15, June 3, October 14.

THIRD DISTRICT.

DISTRICT COURT.

Allen, September 16; Auglaize, September 6; Crawford, April 15; Defiance, April 10; Fulton, April 3; Hancock, April 19; Hardin, September 2; Henry, April 9; Logan, August 29; Marion, April 17; Mercer, September 9; Paulding, April 11; Putnam, September 11; Seneca, April 22; Shelby, September 4; Union, August 27; Van Wert, September 13; Williams, April 2; Wood, April 4; Wyandot, April 12.

COMMON PLEAS.

Allen, February 12, May 6, November 11.
 Auglaize, March 4, May 27, October 14.
 Crawford, February 26, June 3, November 4.
 Defiance, January 22, May 6, September 30.
 Fulton, February 13, May 21, October 15.
 Hancock, February 12, May 13, October 1.
 Hardin, February 12, May 20, October 14.
 Henry, February 5, May 13, September 16.
 Logan, March 11, June 17, November 25.
 Marion, January 3, May 1, September 24.
 Mercer, February 19, April 29, November 11.
 Paulding, January 13, June 11, September 24.
 Putnam, January 29, April 22, October 14.
 Seneca, March 4, June 10, November 11.
 Shelby, February 26, June 3, November 4.
 Union, January 29, May 6, September 23.
 Van Wert, January 16, May 14, October 29.
 Williams, February 27, May 28, October 29.
 Wood, January 23, May 21, October 15.
 Wyandot, January 22, April 29, September 9.

FOURTH DISTRICT.

DISTRICT COURT.

Erie, April 11; Huron, April 1; Lucas, April 15; Sandusky, April 4; Ottawa, April 8; Lorain, August 26; Medina, August 29; Summit, September 2; Cuyahoga, September 9.

COMMON PLEAS.

Erie, January 29, May 27, October 14.
 Huron, February 26, June 3, November 11.
 Lucas, February 5, May 6, October 14.
 Sandusky, January 22, April 22, October 14.
 Ottawa, January 15, May 13, September 23.
 Lorain, January 29, May 7, October 14.
 Medina, January 15, April 29, September 30.
 Summit, January 29, May 7, October 14.
 Cuyahoga, February 12, May 6, November 4.

FIFTH DISTRICT.

DISTRICT COURT.

Madison, April 30; Franklin, May 1; Pickaway, May 7; Fayette, May 13; Adams, September 11; Brown, September 13; Clermont, September 23; Highland, October 2; Ross, October 4.

COMMON PLEAS.

Adams, January 23, May 21, September 24.
 Brown, February 6, June 4, October 9.
 Clermont, February 20, June 11, November 5.
 Fayette, February 26, June 18, November 26.
 Highland, January 16, April 9, October 9.
 Ross, January 30, May 21, October 22.
 Franklin, February 5, May 14, October 14.
 Madison, January 23, April 9, September 17.
 Pickaway, March 4, June 10, November 11.

SIXTH DISTRICT.

DISTRICT COURT.

Ashland, July 5; Coshocton, July 12; Delaware, June 10; Holmes, July 10; Knox, July 1; Licking, May 30; Morrow, June 17; Richland, June 24; Wayne, July 8.

COMMON PLEAS.

Ashland, April 2, September 16, December 9.
 Coshocton, February 13, April 30, October 15.
 Delaware, March 26, August 13, November, 26.
 Holmes, January 22, April 15, September 2.
 Knox, February 13, May 7, October 15.
 Licking, January 22, April 1, August 19.
 Morrow, February 5, July 29, October 21.
 Richland, February 26, August 12, November 11.
 Wayne, March 11, August 5, November 25.

SEVENTH DISTRICT.

DISTRICT COURT.

Athens, September 3; Fairfield, August 27; Gallia, April 18; Hocking, August 31;
 Jackson, September 10; Lawrence, April 22; Meigs, April 15; Perry, August 22; Pike,
 April 29; Scioto, April 25; Vinton, September 7; Washington, April 11.

COMMON PLEAS.

Athens, March 7, May 30, November 1.
 Fairfield, March 4, June 3, October 29.
 Gallia, February 19, May 13, October 15.
 Hocking, February 12, May 20, October 15.
 Jackson March 4, May 27, October 15.
 Lawrence, January 29, May 6, September 17.
 Meigs, February 5, April 29, September 24.
 Perry, January 29, May 6, October 1.
 Pike, April 2, June 24, November 19.
 Scioto, March 11, June 3, October 29.
 Vinton, February 12, May 6, September 17.
 Washington, March 4, May 27, October 31.

EIGHTH DISTRICT.

DISTRICT COURT.

Belmont, September 11; Guernsey, September 16; Harrison, September 23; Jefferson, September 25; Mcuroe, September 9; Morgan, September 2; Noble, September 5; Muskingum, August 26; Tuscarawas, September 20.

COMMON PLEAS.

Belmont, February 13, April 30, November 5.
 Guernsey, February 13, April 30, October 15.
 Harrison, February 5, May 6, October 21.
 Jefferson, March 4, June 3, November 25.
 Monroe, March 26, June 18, October 19.
 Morgan, March 19, June 11, November 12.
 Muskingum, February 20, April 30, October 29.
 Noble, February 6, June 11, October 15.
 Tuscarawas, February 19, May 20, November 4.

NINTH DISTRICT.

DISTRICT COURT.

Ashtabula, April 30; Carroll, August 19; Columbiana, August 27; Geauga, April 27; Lake, April 25; Mahoning, September 2; Portage, April 22, Stark, August 22; Trumbull, April 15.

COMMON PLEAS.

Ashtabula, March 18, June 10, November 11.
 Carroll, January 8, April 1, September 9.
 Columbiana, January 22, May 6, October 14.
 Geauga, February 13, May 13, September 16.
 Lake, February 26, May 27, October 14.
 Mahoning, February 12, May 20, October 14.
 Portage, January 22, May 27, October 21.
 Stark, February 12, May 27, November 11.
 Trumbull March 11, September 9, November 11.

JUDICIARY—SUPREME COURT.

Names.	Residence.	Remarks.
John Welch, <i>Chief Justice</i>	Athens	Term expires Feb. 1873
William White, <i>Judge</i>	Springfield	" " 1874
Luther Day, <i>Judge</i>	Ravenna	" " 1875
Geo. W. McIlvaine, <i>Judge</i>	New Philadelphia	" " 1876
William H. West, <i>Judge</i>	Bellefontaine	" " 1877
Rodney Foss, <i>Clerk</i>	Wilmington	" " 1878
James H. Beebe, <i>Law Librarian</i>	Columbus	Permanent.

JUDGES OF THE COURTS OF COMMON PLEAS—1872.

Dist.	Sub. Div.	Counties.	Names of Judges.	Post-office address.
No. 1	Hamilton.....	Manning F. Force..... Charles C. Murdock..... Joseph Cox..... Jacob Burnet..... William L. Avery.....	Cincinnati. Cincinnati. Cincinnati. Cincinnati. Cincinnati.
No. 2	1	Butler..... Preble..... Montgomery..... Darke.....	John C. McKemy..... Henderson Elliott..... William J. Gilmore.....	Dayton. Dayton. Eaton.
No. 2	2	Champaign..... Miami.....	Ichabod Corwin.....	Urbana.
No. 2	3	Warren..... Clinton..... Greene..... Clarke.....	James M. Smith..... Leroy Pope.....	Lebanon. Wilmington.
No. 3	1	Logan..... Union..... Hardin..... Shelby.....	Philander B. Cole.....	Marysville.
No. 3	2	Auglaize..... Allen..... Mercer..... Van Wert..... Putnam.....	James McKenzie..... Edward M. Phelps.....	Lima. St. Mary's.
No. 3	3	Paulding..... Defiance..... Williams..... Fulton..... Henry.....	Alex. S. Latty.....	Defiance.
No. 3	4	Seneca..... Hancock..... Wyandot..... Crawford..... Marion..... Wood.....	James Pillars..... Abner M. Jackson.....	Tiffin. Bucyrus.
No. 4	1	Lucas..... Ottawa..... Sandusky..... Erie..... Huron.....	Charles E. Pennewell..... William A. Collins..... Joshua R. Seney..... Walter F. Stone.....	Norwalk. Toledo. Toledo. Sandusky.
No. 4	2	Lorain..... Medina..... Summit.....	Samuel W. McClure..... Washington W. Boynton..	Akron. Elyria.
No. 4	3	Cuyahoga.....	Horace Foote..... Samuel B. Prentiss..... Robert F. Payne.....	Cleveland. Cleveland. Cleveland.
No. 5	1	Clermont..... Brown..... Adams.....	Thomas Q. Ashburn..... David Tarbell.....	Batavia. Georgetown.

JUDGES OF THE COURTS OF COMMON PLEAS—Continued.

Dist.	Sub. Div.	Counties.	Names of Judges.	Post-office addresses.
No. 5	2	{ Ross Highland Fayette	{ Samuel F. Steele William H. Safford	Hillsboro. Chillicothe.
No. 5	3	{ Pickaway Franklin Madison	{ John L. Green Joseph Olds	Columbus. Circleville.
No. 6	1	{ Licking Knox Delaware	{ Charles Follett John Adams	Newark. Mt. Vernon.
No. 6	2	{ Morrow Richland Ashland	{ George W. Geddes Darius Dirlam	Mansfield. Mansfield.
No. 6	3	{ Wayne Holmes Coshocton	{ William Reed	Millersburg.
No. 7	1	{ Fairfield Perry Hocking	{ Silas H. Wright	Logan.
No. 7	2	{ Jackson Vinton Pike Scioto Lawrence	{ J. J. Harper W. K. Hastings	Portsmouth. Jackson.
No. 7	3	{ Gallia Meigs Athens Washington	{ William B. Loomis Erastus A. Guthrie	Marietta. Athens.
No. 8	1	{ Muskingum Morgan Noble Guernsey	{ Frederick W. Wood William H. Frazier	McConnelsville. Caldwell.
No. 8	2	{ Belmont Monroe	{ Robert E. Chambers	St. Clairsville.
No. 8	3	{ Jefferson Harrison Tuscarawas	{ John H. Miller	Steubenville.
No. 9	1	{ Stark Carroll Columbiana	{ Joseph Frease	Canton.
No. 9	2	{ Trumbull Portage Mahoning	{ Philo B. Conant Charles E. Glidden	Ravenna. Warren.
No. 9	3	{ Geauga Lake Ashtabula	{ Milton C. Canfield	Chardon.

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ERRATUM.—On page 27, eighth line from the bottom, for "transaction" read transportation.

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